

# federa! register

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This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

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NIH—National Heart and Lung Institute Board of Scientific Counselors to be held at Bethesda, Maryland (open). 3307; 1-25-74



# Presidential Documents

## Title 3—The President

PROCLAMATION 4263

## American Heart Month, 1974

*By the President of the United States of America*

### A Proclamation

America is in the midst of a deadly epidemic. Diseases of the heart and blood vessels claim more American lives than all other causes of death combined. It is estimated that nearly 28 million Americans have some major form of heart and blood vessel disease.

Heart and blood vessel diseases cost the Nation an estimated \$30 billion annually. In addition to lost income and expenditures for medical care, an estimated 200,000 man-years of production are lost each year because of this health hazard. And the greatest cost of course, the cost in human suffering, is one that cannot be measured in monetary terms.

In 1948, with passage of the National Heart Act, this country launched a comprehensive effort to help alleviate the burden of cardiovascular diseases. This landmark legislation created the Federal Government's National Heart Institute, bringing the public sector into a close alliance with the private sector as exemplified by the American Heart Association, a national voluntary health agency.

During the past 26 years, this partnership has fostered extraordinary progress in the fields of diagnosis, prevention, treatment, surgery, coronary care, and rehabilitation. Still heart and blood vessel diseases remain our Nation's deadliest health threat.

To encourage a continuing effective attack on cardiovascular diseases, the Congress, by a joint resolution approved December 30, 1963 (77 Stat. 843), requested the President to issue a proclamation designating February of each year as American Heart Month.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the month of February, 1974, as American Heart Month. I invite the Governors of the States,

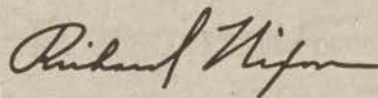


## THE PRESIDENT

the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States to issue similar proclamations.

I urge the people of the United States to consider fully the nationwide problem of cardiovascular diseases, and to support programs essential to bring about its solution.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of February, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-eighth.



[FR Doc.74-3156 Filed 2-4-74;4:19 pm]



# Rules and Regulations

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## Title 16—Commercial Practices

### CHAPTER I—FEDERAL TRADE COMMISSION

#### SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

#### PART 4—MISCELLANEOUS RULES

##### Records; Correction

In FR Doc. 73-1059, appearing at page 1730-32, in the issue of Thursday, January 18, 1973, § 4.10(a) (8) is corrected by deleting "(i)" appearing immediately after (8), in the first line of the second paragraph of the second column on page 1732.

[SEAL] CHARLES A. TOBIN,  
Secretary.  
[FR Doc.74-3003 Filed 2-5-74;8:45 am]

## Title 20—Employees' Benefits

### CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965—)

##### Subpart B—Supplementary Medical Insurance Benefits; Enrollment, Coverage, Exclusions and Payment

##### Correction

In FR Doc. 74-2018, appearing on page 2756 of the issue of January 24, 1974, the following amendatory paragraph should be inserted before the section heading numbered § 405.214 on page 2757:

1. Paragraphs (a) and (b) of § 405.214 are revised to read as follows:

#### Title 24—Housing and Urban Development

### CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### SUBCHAPTER A—INTRODUCTION

[Docket No. R-74-210]

#### PART 300—GENERAL

##### List of Attorneys-in-Fact

Paragraph (c) of § 300.11 is amended to add an additional name to the list of attorneys-in-fact authorized to act on behalf of the Association.

Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association in connection with its recent auctions of mortgages.

1. Paragraph (c) of § 300.11 is amended by adding the following name in alphabetical sequence to the current list of attorneys-in-fact:

Name	Region
Ellen W. Allison	Los Angeles, Calif.

Effective date. This amendment shall be effective on February 6, 1974.

WOODWARD KINGMAN,  
President, Government National  
Mortgage Association.

[FR Doc.74-3015 Filed 2-5-74;8:45 am]

## Title 29—Labor

### CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

#### PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

##### Change of Address

The purpose of this document is to advise interested persons that the Office of Federal and State Operations of the Occupational Safety and Health Administration, has recently been moved.

Subparts B through V of Part 1952, Title 29, Code of Federal Regulations, are amended to reflect this change of address in Washington, D.C. The language in each section of this Part 1952 containing such address is identical. Specifically, §§ 1952.51, 1952.101, 1952.106, 1952.111, 1952.121, 1952.131, 1952.141, 1952.151, 1952.161 (38 FR 19370), 1952.171, 1952.181, 1952.191 (38 FR 25172), 1952.201, 1952.211 (38 FR 17838), 1952.221 (38 FR 17840), 1952.231 (38 FR 20324), 1952.241 (38 FR 21630), 1952.251 (38 FR 24897), 1952.261 (38 FR 27391), 1952.271 (38 FR 28660), and 1952.281 (38 FR 30438) are amended to indicate that the current address of the Office of Federal and State Operations of the Occupational Safety and Health Administration is as follows:

\*\*\* United States Department of Labor, Office of Federal and State Operations, Occupational Safety and Health Administration, Room 800, 1726 M Street, N.W., Washington, D.C. 20210 \*\*\*

Effective date. The amendment of these sections shall be effective on February 6, 1974.

Signed at Washington, D.C. this 31st day of January 1974.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc.74-3045 Filed 2-5-74;8:45 am]

## Title 31—Money and Finance: Treasury

### CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

#### SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

#### PART 341—REGULATIONS GOVERNING UNITED STATES RETIREMENT PLAN BONDS

##### Description of Bonds

Section 341.1(a) of Department of the Treasury Circular, Public Debt Series No. 1-63, dated January 10, 1963, as amended (31 CFR Part 341), is hereby further amended to read as follows:

##### Sec. 341.1. Description of bonds.

(a) *Investment yield (interest).* United States Retirement Plan Bonds, herein-after sometimes referred to as Retirement Plan Bonds, will be issued at par. The investment yields (interest) are as follows:

(1) Bonds with issue dates of January 1, 1963, through May 1, 1966—3½ percent per annum, compounded semi-annually. (See table of redemption values appended to the circular.)

(2) Bonds with issue dates of June 1, 1966, through December 1, 1969—4.15 percent per annum, compounded semi-annually. (See Table A, appended to the First Amendment of the circular.)

(3) Bonds with the issue dates of January 1, 1970, through January 1, 1974—5 percent per annum, compounded semi-annually. (See Table B, appended to the Second Amendment of the circular.)

(4) Bonds with the issue date of February 1, 1974, or thereafter—6 percent per annum, compounded semi-annually. (See Table C, appended to this amendment.)

The interest will be paid only upon redemption of the bonds. The accrual of interest will continue until the bonds have been redeemed or have reached maturity, whichever is earlier, in accordance with these regulations.

The foregoing amendment was effected under authority of the Second Liberty Bond Act, as amended (40 Stat. 288, as amended; (31 U.S.C. 752, et seq.)), and 5 U.S.C. 301. Notice and public procedure thereon are unnecessary as the fiscal policy of the United States is involved.

Dated: January 30, 1974.

[SEAL] JOHN K. CARLOCK,  
Fiscal Assistant Secretary.



TABLE C

TABLE OF REDEMPTION VALUES PROVIDING AN INVESTMENT YIELD OF 6 PERCENT PER ANNUM FOR BONDS BEARING ISSUE DATES BEGINNING FEBRUARY 1, 1974

Table shows the increase in redemption value for each successive half-year term of holding following the date of issue on Retirement Plan Bonds bearing issue dates beginning February 1, 1974. The redemption values have been determined to provide an investment yield of approximately 6 percent per annum, compounded semiannually, on the purchase price from issue date to the beginning of each half-year period. The period to maturity is indeterminate in accordance with the provisions of Sec. 241.1(b) of this circular.

Issue price.....	\$50.00	\$100.00	\$500.00	\$1,000.00
Period after issue date	Redemption values during each half-year period (values increase on first day of period shown)			
First 1/2 year.....	\$50.00	\$100.00	\$500.00	\$1,000.00
1/2 to 1 year.....	51.50	103.00	515.00	1,030.00
1 to 1 1/2 years.....	53.05	106.10	530.50	1,061.00
1 1/2 to 2 years.....	54.64	109.28	546.40	1,092.80
2 to 2 1/2 years.....	56.28	112.56	562.80	1,125.60
2 1/2 to 3 years.....	57.96	115.92	579.60	1,159.20
3 to 3 1/2 years.....	59.70	119.40	597.00	1,194.00
3 1/2 to 4 years.....	61.49	122.98	614.90	1,229.80
4 to 4 1/2 years.....	63.34	126.68	633.40	1,266.80
4 1/2 to 5 years.....	65.24	130.48	652.40	1,304.80
5 to 5 1/2 years.....	67.20	134.40	672.00	1,344.00
5 1/2 to 6 years.....	69.21	138.42	692.10	1,384.20
6 to 6 1/2 years.....	71.29	142.58	712.90	1,425.80
6 1/2 to 7 years.....	73.43	146.86	734.30	1,468.60
7 to 7 1/2 years.....	75.63	151.26	756.30	1,512.60
7 1/2 to 8 years.....	77.90	155.80	779.00	1,558.00
8 to 8 1/2 years.....	80.24	160.48	802.40	1,604.80
8 1/2 to 9 years.....	82.64	165.28	826.40	1,652.80
9 to 9 1/2 years.....	85.12	170.24	851.20	1,702.40
9 1/2 to 10 years.....	87.68	175.36	876.80	1,753.60
10 to 10 1/2 years.....	90.31	180.62	903.10	1,806.20
10 1/2 to 11 years.....	93.01	186.02	930.10	1,860.20
11 to 11 1/2 years.....	95.81	191.62	958.10	1,916.20
11 1/2 to 12 years.....	98.68	197.36	986.80	1,973.60
12 to 12 1/2 years.....	101.64	203.28	1,016.40	2,032.80
12 1/2 to 13 years.....	104.69	209.38	1,046.90	2,093.80
13 to 13 1/2 years.....	107.83	215.66	1,078.30	2,156.60
13 1/2 to 14 years.....	111.06	222.12	1,110.60	2,221.20
14 to 14 1/2 years.....	114.40	228.80	1,144.00	2,288.00
14 1/2 to 15 years.....	117.83	235.66	1,178.30	2,356.60
15 to 15 1/2 years.....	121.36	242.72	1,213.60	2,427.20
15 1/2 to 16 years.....	125.00	250.00	1,250.00	2,500.00
16 to 16 1/2 years.....	128.75	257.50	1,287.50	2,575.00
16 1/2 to 17 years.....	132.62	265.24	1,326.20	2,652.40
17 to 17 1/2 years.....	136.60	273.20	1,366.00	2,732.00
17 1/2 to 18 years.....	140.69	281.38	1,406.90	2,813.80
18 to 18 1/2 years.....	144.91	289.82	1,449.10	2,898.20
18 1/2 to 19 years.....	149.26	298.52	1,492.60	2,985.20
19 to 19 1/2 years.....	153.74	307.48	1,537.40	3,074.80
19 1/2 to 20 years.....	158.35	316.70	1,583.50	3,167.00
20 to 20 1/2 years.....	163.10	326.20	1,631.00	3,262.00

<sup>1</sup> Based on redemption values of \$1,000 bond.

[FR Doc.74-2901 Filed 2-5-74; 8:45 am]

## Title 40—Protection of Environment

### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

#### SUBCHAPTER C—AIR PROGRAMS

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

##### New Source Review Procedure for Indiana

Section 110 of the Clean Air Act, as amended, and the regulations in 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans, require each State to submit a procedure for reviewing plans to construct new or modified sources of pollution which may prevent attainment or maintenance of a national standard. On January 31, 1972, the State of Indiana submitted an implementation plan to achieve national standards which included, inter alia, a procedure for reviewing new sources. This procedure was disapproved by EPA as inadequate on May 31, 1972 (37 FR 10842). Subsequently on May 14, 1973 (38 FR 12698), the Administrator promulgated a regulation for review of new sources in Indiana.

Regulation APC-19, which was the subject of a public hearing held after due

notice in Indianapolis, Indiana, was adopted by the Air Pollution Control Board on January 4, 1973. On May 8, 1973, Regulation APC-19—Permits, was submitted as a revision to the State Implementation Plan to correct the deficiency noted by the Administrator.

The Administrator set forth Indiana Regulation APC-19, on December 20, 1973 (38 FR 34894), as proposed rulemaking to provide opportunity for public comment on whether the revision to the plan should be approved pursuant to § 110 of the Clean Air Act.

Comments submitted in response to the publication related primarily to Section 3, Operation Permits, and alleged that timetables for compliance with sulfur oxide regulations were impossible to establish. Since the Clean Air Act requires all sources not in compliance with applicable parts of an approved control strategy to be on legally enforceable compliance schedules to achieve compliance within three years after approval of the State Implementation Plan, this argument is not pertinent to § 110 requirements. However, if sources find it impossible to meet categorical compliance dates, administrative procedures have been provided for the development of an

alternative compliance schedule tailored to the specific source.

Indiana Regulation APC-19 provides that the Air Pollution Control Board of the State of Indiana may issue provisional permits to non-complying sources who submit schedules for compliance. Since the regulation contains no final compliance date for acceptable schedules, it appears that such permits could be issued to sources requiring compliance with the control strategy after the mandatory dates for attainment of the national ambient air quality standards established in Section 110 of the Clean Air Act. The United States Courts of Appeals for the First Circuit (April 11, 1973, Case Nos. 72-1219 and 72-1224) and the Eighth Circuit (July 27, 1973, Case No. 72-1380) have interpreted the Clean Air Act as precluding States from granting variances after such dates except as provided in Section 110(f) of the Clean Air Act. Both courts agreed that the provisions of the Clean Air Act "not only empower, but also require, the Administrator to disapprove State statutes and regulations, or portions thereof, which are not in accordance with the requirements of the Clean Air Act." Accordingly, Section 3(a)(1) of APC-19 is disapproved insofar as it permits the granting of provisional permits beyond the statutory attainment dates, without the approval of the Administrator, and a Federal regulation specifying the procedures and circumstances under which Indiana will be authorized to issue provisional permits to sources subject to provisions of its implementation plan is being promulgated below. The Administrator finds good cause exists for not publishing this action as a notice of proposed rulemaking and for making it immediately effective because of the imminence of the statutory attainment dates, i.e., mid-1975. Also, immediate effectiveness will enable the sources involved to proceed with certainty in conducting their affairs.

APC-19 also establishes a review procedure for new or modified sources. It meets the statutory and regulatory requirements of the Clean Air Act to provide a review procedure to prevent construction or modification of sources which would interfere with attainment and maintenance of national air standards with two exceptions.

The first exception is Section 4(a)(2)(iii) which exempts fuel burning equipment having a heat input of less than 1,500,000 Btu per hour from permit review requirements. Since coal burning equipment with a heat input of 1,500,000 Btu per hour has the potential to emit a significant amount of sulfur dioxide, review of such sources over 350,000 Btu per hour is necessary to attain and maintain the national ambient air quality standards. Accordingly, that part of the currently effective Federal regulation for review of new or modified sources which pertains to coal burning equipment over 350,000 Btu per hour shall be retained, but a cut-off point of 1,500,000 Btu per hour shall be inserted to avoid duplica-



tion of state reviews. The application of this review regulation remains effective statewide and sources which may be subject thereto are advised to contact EPA's Region V office at the address specified below for appropriate forms to submit when applying for a permit.

The second exception relates to requirements for review of indirect sources as promulgated by the Administrator on June 18, 1973 (38 FR 15834). The State was required to submit a plan revision by August 15, 1973. No submission has been received from Indiana and on October 30, 1973 (38 FR 29893), EPA reaffirmed its March 8, 1973 (38 FR 6279) disapproval of all state plans for lack of procedures to review construction of indirect sources. At the same time the Administrator proposed a Federal regulation to correct this plan deficiency in Indiana as well as many other states. EPA conducted a public hearing in Indianapolis on November 29, 1973, on the proposed regulation and a final version thereof is expected to be promulgated shortly. Meanwhile, the disapproval notice pertaining to new indirect source review procedures remains unaffected by this notice.

More detailed information supporting this decision is available in an "Evaluation Report of Indiana Regulation APC-19," which may be examined at the Freedom of Information Center EPA, Room 329, 401 M Street, SW., Washington, D.C., and at the Program Support Branch, EPA, Region V, 1 North Wacker Drive, Chicago, Illinois 60606.

These actions are effective upon February 6, 1974.

(Sec. 110 of the Clean Air Act (42 U.S.C. 1857c-5))

Dated: January 31, 1974.

JOHN QUARLES,  
Acting Administrator.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

**Subpart P—Indiana**

1. Section 52.770 is amended by revising paragraph (c) to read as follows:

§ 52.770 Identification of plan.

(c) \* \* \*

(3) May 8, 1973.

2. Section 52.780 is amended by revoking paragraphs (b) and (c), revoking and reserving paragraph (d) (9) and revising paragraphs (a), (d) (1), and (d) (2), as follows:

§ 52.780 Review of new sources and modifications.

(a) The requirements of § 51.18(a) of this chapter are not met in that the plan does not contain procedures to enable the State to determine whether construction or modification of coal burning equipment having a heat input of between 350,000 Btu per hour and 1,500,000

Btu per hour will result in violations of applicable portions of the control strategy and section 4(a) (2) (iii) of APC-19 is disapproved to the extent that it exempts coal burning equipment having a heat input of between 350,000 Btu per hour and 1,500,000 Btu per hour from pre-construction/modification review.

(b) [Revoked].

(c) [Revoked].

(d) Limited regulation for the review of new sources and modifications.

(1) This requirement is applicable to any coal burning equipment other than smokehouse generators, having a heat input of between 350,000 Btu per hour (88.2 Mg-cal/h) and 1,500,000 Btu per hour (378.0 MG cal/h), the construction of which was commenced after May 14, 1973.

(2) No owner or operator shall commence construction or modification of any coal burning equipment subject to this regulation without first obtaining approval from the Administrator of the location and design of such source.

3. Subpart P is amended by adding § 52.791 as follows:

§ 52.791 Variances.

(a) Section 3(a) (1) of the Indiana "Air Pollution Control Regulation" APC-19, Permits is disapproved insofar as it permits the granting of provisional permits beyond the dates required for attainment of the national standards, without the approval of the Administrator, and for reasons not permitted by the Clean Air Act.

(b) Regulation limiting provisional permits.

(1) No provisional permit shall be granted which varies any requirement of the Indiana Implementation Plan which does not meet the following requirements:

(i) A provisional permit must require compliance with the plan requirement within the times and under the conditions specified in § 51.15(b) (1) and (2) of this chapter.

(ii) A provisional permit may not defer compliance beyond the last date permitted by section 110 of the Act for attainment of the national standard which the plan implements unless the procedures and conditions set forth in section 110(f) of the Act are met.

(iii) A provisional permit shall not be effective until it has been submitted to and approved by the Administrator in accordance with §§ 51.6, 51.8, 51.15 (b) and (c), and if applicable, 51.32 (a)-(e) of this chapter.

(2) Notwithstanding the limitations of paragraph (b) (1) (ii) of this section, a provisional permit may be granted which provides for compliance beyond the statutory attainment date for a national standard where compliance is not possible because of breakdowns or malfunctions of equipment, acts of God, or other unavoidable occurrences. However, such provisional permit may not extend

for more than three (3) months unless the procedures and conditions set forth in section 110(f) of the Act are met.

[FR Doc. 74-3077 Filed 2-5-74; 8:45 am]

**SUBCHAPTER E—PESTICIDE PROGRAMS**

**PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES**

**Subpart D—Exemptions From Tolerances**

**CERTAIN INERT INGREDIENTS IN PESTICIDE FORMULATIONS**

**Correction**

In FR Doc. 74-1933 appearing at page 2758 in the issue of Thursday, January 24, 1974, make the following changes in the Table under the heading "Inert Ingredients":

1. The second number in the first ingredient now reading "5", should read "6".

2. Insert "(e)" after the second line of stars in paragraph (d).

3. In the third line of the fifth entry in paragraph (e), the word "dimethylamine-" should read "dimethylamino-".

4. In the second line in the second table on page 2759, the word "hydroxypoly" should read "hydroxypoly".

**Title 41—Public Contracts and Property Management**

**CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS**

**SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE**

[FPMR Amdt. D-46]

**PART 101-18—ACQUISITION OF REAL PROPERTY**

**Subpart 101-18.1—Acquisition by Lease**

**LIST OF SPECIAL PURPOSE SPACE**

Section 101-18.106 is amended to change the authority of the Federal Aviation Administration for leasing office space at airports.

Section 101-18.106-1 is amended to read as follows:

§ 101-18.106-1 List of special purpose space.

(p) Department of Transportation:

(1) United States Coast Guard: Plots of land and pier sites, including closed storage space required in combination with piers and docking and mooring facilities; space for the oceanic unit at Woods Hole, Massachusetts; and space for port security activities and

(2) Federal Aviation Administration: The Aeronautical Center at Oklahoma City, Oklahoma, air route traffic control centers, garage space held under service contracts, land at airports, and not more than 2,500 square feet of space at airports that is used predominately as general purpose office space in buildings under the jurisdiction of public or private airport authorities.



(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486 (c)))

**Effective date.** This regulation is effective February 6, 1974.

Dated: January 30, 1974.

ARTHUR F. SAMPSON,  
Administrator of General Services.  
[FR Doc. 74-2985 Filed 2-5-74; 8:45 am]

#### Title 45—Public Welfare

#### CHAPTER VI—NATIONAL SCIENCE FOUNDATION

#### PART 602—EXEMPTION OF CERTAIN FINANCIAL INTERESTS

Section 208 of Title 18, United States Code, provides that it is a criminal offense for an officer or employee of the Executive Branch of the United States Government, including special Government employees, to participate personally and substantially as a Government officer or employee through decision, approval, disapproval, recommendations, the rendering of advice, investigation or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter in which, to his knowledge, he, his spouse, minor child, partners, organization in which he is serving as an officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest. However, section 208 further provides an exception if by general rule or regulation published in the FEDERAL REGISTER the financial interest has been exempted as being too remote or inconsequential to affect the integrity of the services of the officer or employee. The Foundation is issuing regulations setting forth those financial interests which have been determined by the Foundation to be too remote or too inconsequential to affect the integrity of NSF officers and employees.

Part 602 of Chapter VI, National Science Foundation, Title 45, Public Welfare, is hereby added as follows:

Sec.  
602.1 Rule.  
602.2 Applicability.

**AUTHORITY:** Sec. 208(b), Title 18 United States Code and sec. 11(a), National Science Foundation Act of 1950, as amended (42 USC 1870(a)).

#### § 602.1 Rule.

For the purposes of section 208(a) of Title 18, United States Code, the following financial interests of a National Science Foundation employee in an organization which applies for a grant, contract, or other arrangement (the "applicant organization") from the Foundation are hereby determined to be too remote or inconsequential to affect the integrity of such employee when such financial interest consists of employment by or service as officer, director, trustee, or partner (or negotiation for prospective employment, office or partnership) in an organization (the "owning organization") which owns stocks, bonds, notes, or other evidences of financial interest in the applicant organization, the amount of which is:

(a) Less than 5 percent of the total portfolio of investments of the owning organization, and

(b) Less than 5 percent of the total outstanding amounts of the same class or classes of securities or other evidences of financial interest issued by the applicant organization, provided that such holding does not constitute de facto control of the applicant organization.

#### § 602.2 Applicability.

The rule set forth in § 602.1 shall apply to those financial interests of which the employee has or by virtue of his position in an owning organization should have actual knowledge.

Dated: January 29, 1974.

H. GUYFORD STEVER,  
Director.

[FR Doc. 74-2976 Filed 2-5-74; 8:45 am]

#### Title 49—Transportation

#### CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-6; Notice 1]

#### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

#### New Pneumatic Tires, Tire Selection and Rims for Passenger Cars

This amendment adds certain tire size designations and corrects certain tire size criteria in 49 CFR 571.109 (Federal Motor Vehicle Safety Standard No. 109). It also adds alternative and test rim sizes to 49 CFR 571.110 (Federal Motor Vehicle Safety Standard No. 110).

On October 5, 1968, guidelines were published in the FEDERAL REGISTER (33 FR 14964) by which routine additions could be made to Appendix A, § 571.109 and to Appendix A, § 571.110. Under these guidelines the additions become effective 30 days from publication in the FEDERAL REGISTER, if no objections are received. If objections are received, rule making procedures for the issuance of motor vehicle safety standards (49 CFR Part 553) are followed.

Accordingly, Appendix A of 49 CFR 571.109 and Appendix A of 49 CFR 571.110 are amended, subject to the 30-day provision indicated above, as specified below.

**Effective date.** March 7, 1974, if objections are not received.

A. The following changes are made to Appendix A of § 571.109 *Standard No. 109, New Pneumatic Tires*:

#### AMENDMENTS REQUESTED BY THE RUBBER MANUFACTURERS' ASSOCIATION

1. In Table I-R, the following new tire size designation and corresponding values are added.

TABLE I-R.—Tire load ratings, test rims, minimum size factors, and section widths for "60 series" radial ply tires

Tire size designation	Maximum tire loads (pounds), at various cold inflation pressures (lb/in <sup>2</sup> )													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
AR60-14.....	720	770	810	860	900	940	980	1,020	1,060	1,090	1,130	1,160	1,200	5½	30.54	7.70

2. In Table I-U, the following new tire size designation and corresponding values are added:

TABLE I-U.—Tire load ratings, test rims, minimum size factors, and section widths for "60 series" cantilevered sidewall tires

Tire size designation	Maximum tire loads (pounds), at various cold inflation pressures (lb/in <sup>2</sup> )													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
B60C-13.....	780	840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	30.41	7.65



AMENDMENTS REQUESTED BY THE EUROPEAN TYRE AND RIM TECHNICAL ORGANIZATION

1. In Table I-A, for the 6.50-17 tire size designation, the section width is corrected from "7.60" to read "6.70".
2. In Table I-D, for the 205-14 tire size designation, the section width is corrected from "8.80" to read "8.30".

B. The following changes are made to Appendix A of § 571.110 Standard No. 110; Tire Selection and Rims.

AMENDMENTS REQUESTED BY THE RUBBER MANUFACTURERS' ASSOCIATION

1. In Table I-R, the 5½-JJ test rim size is added for the AR 60-14 tire size designation.
2. In Table I-U, the 4½-JJ test rim size is added for the B60C-13 tire size designation.

3. In Table I-V, the 9-JJ alternative rim size is added for the G50-14 tire size designation and the L50-15 tire size designation and the 10-JJ alternative rim size is added for the M50-14 tire size designation and the L50-15 tire size designation.

FMVSS No. 110—APPENDIX A

TABLE I

(Following is a tabulation of changes made by this amendment)

Table I-R	
Tire size: AR60-14	Rims 5½-JJ
Table I-U	
Tire size: B60C-13	Rims 4½-JJ
Table I-V	
Tire size: G50-14	Rims 9-JJ
M50-14	10-JJ
L50-15	9-JJ, 10-JJ

Italic designations denote test rims. Where JJ rims are specified in the above tables J and JK rim contours are permissible. Table designations refer to tables listed in Appendix A of Standard No. 109 (§ 571.109).

(Secs. 103, 119, 201 and 202, Pub. L. 89-563; 80 Stat. 718 15 U.S.C. 1392, 1407, 1421, and 1422; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on January 30, 1974.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc.74-2963 Filed 2-5-74; 8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1033—CAR SERVICE

[S.O. No. 1118; Amdt. 2]

PROVIDENCE AND WORCESTER CO. AND PENN CENTRAL TRANSPORTATION CO.

Authorizations To Use Tracks

At a session of the Interstate Commerce Commission, Division 3, held in

Washington, D.C., on the 30th day of January 1974.

Upon further consideration of Service Order No. 1118 (38 FR 2761 and 23952), and good cause appearing therefor:

It is ordered, That Service Order No. 1118 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

§ 1033.1118 Service Order No. 1118.

(Providence and Worcester Company authorized to operate over tracks of Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees; Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees, authorized to operate over tracks of Providence and Worcester Company.)

(g) Expiration date. This order shall expire at 11:59 p.m., February 3, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., February 3, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10-17), 15(4), and 17(2)).

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-3054 Filed 2-5-74; 8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Moosehorn National Wildlife Refuge, Maine

The following special regulations are issued and are effective during the period February 1 through December 31, 1974.

§ 28.28 Special regulations, public access, use, and recreation; for the individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Entry on foot or by motor vehicle on designated travel routes is permitted for

the purpose of nature study, photography, hiking, and sight-seeing during daylight hours. Pets are allowed if on a leash not over 10 feet in length.

The refuge area, comprising 22,666 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1974.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

JANUARY 28, 1974.

[FR Doc.74-3004 Filed 2-5-74; 8:45 am]

Title 6—Economic Stabilization  
CHAPTER I—COST OF LIVING COUNCIL

[Phase IV Price Ruling 1974-2]

PRICE SPECIFIED IN A CONTRACT

Phase IV Price Ruling

FACTS: Firms K, L, and M all sell products under contracts entered into prior to 9:00 p.m., June 13, 1973 for delivery after August 12, 1973. Firm K's contract provides that "buyer's price shall be the price charged by K to other purchasers on the date of delivery." Firm L is a wholesaler whose contract provides that "L's price for units delivered to purchaser shall be the wholesale price for first quality units quoted in the industry's trade publication for the week which includes the delivery date." L's billing will occur 30 days after delivery of its items. Firm M's contract provides that "M's price of \$5.00 per unit shall be increased by the percentage increase in the Wholesale Price Index for the period from the date of contract to the date of billing." None of the firms controls the market for any of its products.

Section 150.76 of the Phase IV price regulations provides that the "price or prices specified in a binding contract for the sale or lease of an item entered into before 9:00 p.m., e.s.t., June 13, 1973, with respect to any delivery or performance occurring after August 12, 1973 shall be allowable notwithstanding § 150.73." Section 150.312(b) contains similar language affecting retailers' and wholesalers' prices. K, L, and M assert that their prices are allowable under these provisions.

ISSUE: Are the prices stated in the contracts of K, L, and M "prices specified" and therefore allowable under § 150.76 and § 150.312(b)?

RULING: A price is specified for purposes of §§ 150.76 and 150.312(b) if the price can be determined by cost and market related events, not under the control of either party, which occur after the contract is entered into but prior to or on the day of billing or delivery, whichever is later. It is not necessary that the final per unit price be determinable from



## RULES AND REGULATIONS

the contract on the day the parties enter into the contract. However it is necessary that the price be determinable by either party on or before the date of billing or delivery by reference to the contract and any other external cost or market related events not under the control of either party.

Therefore, the prices specified in the contracts of L and M are allowable under §§ 150.76 and 150.312(b) because the price is determinable by either party by reference to the contract and a cost or

market related event. However, the contract of K does not set forth an allowable price under those sections because K has retained a form of control over the delivery price. K's price must be fully cost justified in accordance with the Phase IV price regulations in order for the firm to charge it under the contract.

Dated: February 4, 1974.

ANDREW T. H. MUNROE,  
*General Counsel,*  
*Cost of Living Council.*

[FR Doc.74-3216 Filed 2-5-74; 11:13 am]



# Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

[ 9 CFR Part 201 ]

### CUSTOM FEEDLOTS

Packers Engaging in the Activity or Practice of Custom Feeding Livestock; Additional Hearing

On January 17, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 2104 et seq.) advising interested parties that the Packers and Stockyards Administration was considering amending the regulations (9 CFR 201.1 et seq.) promulgated under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. 181 et seq.), by amending § 201.2 of said regulations to include a new paragraph (m) defining the term "custom feedlot" and by adding a new § 201.70a clarifying the applicability of the Act and the regulations with respect to packers engaging in the activity or practice of custom feeding livestock.

That notice provided that a public hearing with respect to the proposed regulations will be held on February 26 and 27, 1974, commencing at 10:00 a.m., in the Frontier Room of the Holiday Inn Downtown, 1050 6th Avenue, Des Moines, Iowa 50314.

In response to requests from interested parties, an additional public hearing will be conducted with respect to the proposed regulations in the Meeting Room N 9 and 10 at the Phoenix Civic Plaza, 225 East Adams, Phoenix, Arizona 85005, commencing at 1:00 p.m. on February 28, 1974, and continuing at 9:00 a.m. on March 1, 1974.

Persons who wish to be heard at the Phoenix session are requested to notify the Administrator, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, by February 20, 1974, stating how much time they need to present their statements. However, any person who wishes to be heard at the hearing will be afforded opportunity to be heard, whether or not he has given such advance notice.

Done at Washington, D.C., February 1, 1974.

MARVIN L. McLAIN,  
Administrator, Packers and  
Stockyards Administration.

[FR Doc.74-3058 Filed 2-5-74; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 73-SW-65]

### ADDITIONAL CONTROL AREA

#### Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish as an additional control area that airspace not presently designated between the Houston Oceanic Control Boundary and the United States shore line. The additional control area would be combined with Control Areas 1215, 1216, 1226, and 1447 with a floor of 1,200 feet above the surface.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before March 8, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil

air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The proposed amendment would revoke Control Areas 1215, 1216, 1226, 1447, and would establish the following control area:

#### GULF OF MEXICO CONTROL AREA

That airspace extending upward from 1,200 feet MSL bounded by a line beginning at a point 3 nautical miles offshore at latitude 25°58'30" N., longitude 97°05'20" W., thence northward 3 nautical miles from and parallel to the shoreline to latitude 27°32'00" N., longitude 82°48'00" W., to latitude 27°43'00" N., longitude 83°45'30" W., to latitude 27°35'00" N., longitude 83°45'00" W., thence west along the north boundary of the Miami and Houston Oceanic Control Area to latitude 26°00'00" N., longitude 96°00'00" W., to points of beginning; excluding that airspace east of Corpus Christi, Tex., beginning at a point 3 nautical miles offshore at latitude 27°49'00" N., thence to latitude 27°45'30" N., longitude 96°51'00" W., to latitude 27°28'20" N., longitude 96°45'30" W., to latitude 27°14'30" N., longitude 96°55'30" W., to latitude



27°23'00" N., longitude 97°06'00" W., to a point 3 nautical miles offshore at latitude 27°11'20" N.

Designation of this area as control area would provide the en route centers the necessary controlled airspace to provide IFR service to helicopters operating over the Gulf of Mexico in exploration or recovery of oil resources. Since the numerous oil rigs are widely dispersed, the designation of this large area as control area would afford the centers control flexibility in providing this service without redundant airspace actions which would become necessary if separate actions were initiated for individual routes to various points over the Gulf.

The Southern Region would initiate action to establish a route between Grand Isle, La., and Egmont Key, Fla., NDBs (to be named Gulf Route, with a number).

This amendment is proposed under the authority of secs. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 31, 1974.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc.74-2974 Filed 2-5-74; 8:45 am]

#### Hazardous Materials Regulation Board [49 CFR Part 174]

[Docket No. HM-114; Notice No. 74-1]

#### RAIL CARS USED TO TRANSPORT CLASS A EXPLOSIVES

##### Selection, Preparation, Inspection, Certification, and Loading

The Hazardous Materials Regulations Board is considering amendment of § 174.525 which prescribes the requirements for selection, preparation, inspection, certification and loading of railroad cars used to transport Class A explosives.

As a result of recent rail accidents and incidents involving Class A explosives, the Federal Railroad Administration (FRA) issued Emergency Order No. 3 on August 9, 1973, to supplement the Hazardous Materials Regulations (38 FR 21952). This Emergency Order provides that each car transporting Class A explosives must be equipped with certain "low-sparking" type of brake shoes and all brake shoes on the car must be of the same and proper type and design, in safe and suitable condition for service, and comply with prescribed wear limits. In addition, the Order provides that the car must be equipped with a continuous steel sub-floor or metal spark shields of prescribed dimensions. However, if the car is not equipped with prescribed steel sub-floor or metal shields, the car may be used to carry Class A explosives only if it is inspected at intervals and in the manner set forth in the Emergency Order.

On November 2, 1973, the Association of American Railroads (AAR) filed a request for modification of Emergency Order No. 3 or, in the alternative, for review

as provided in section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432). Some of the modifications requested by the AAR deal with matters that are included in this Notice of Proposed Rule Making. They are included in this notice to afford an opportunity for public participation in their resolution. Upon completion of the rule-making proceeding initiated by this notice, FRA intends to terminate Emergency Order No. 3.

Although the accidents involving Class A explosives which occurred on the Southern Pacific Transportation Company at Roseville, California on April 28, 1973, and at Benson, Arizona on May 24, 1973, are still under investigation, the FRA believes that § 174.525 must be amended to eliminate potential fire hazards on rail cars used to transport Class A explosives. These hazards result from overheated friction journal bearings, overheated and "sparking" brake shoes, and the presence of combustible material on the undersides of cars.

Interested persons are invited to give their views on these proposals. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, Washington, D.C. 20590. Communications received on or before March 31, 1974, will be considered before final action is taken on these proposals. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, Room 6215, Buzzards Point Building, Second and V Streets S.W., Washington, D.C., both before and after the closing date for comments. The proposals contained in this notice may be changed in light of the comments received.

In addition to assure that all interested persons have an opportunity for oral presentation, the FRA will conduct a public hearing commencing at 10 a.m., on March 21, 1974, in Room 2545, Federal Building, 650 Capitol Mall, Sacramento, California.

The purpose of this public hearing is to obtain information to assist the FRA in developing a final rule in this proceeding, not to determine the cause or circumstances surrounding any of the recent rail accidents or incidents involving hazardous materials which are still under investigation.

The hearing will be an informal not a judicial or evidentiary type of hearing. There will be no cross-examination of persons making statements. An FRA staff member will make an opening statement outlining the matter set for hearing. Interested persons will then have an opportunity to present their oral statements. At the completion of all oral statements those persons who wish to make rebuttal statements will be given the opportunity to do so in the order in which they made their initial statement. Additional procedures for conducting the hearing will be announced at the hearing. Interested persons may present oral or written

statements at the hearing. All statements will be made a part of the record of the hearing and be a matter of public record. Persons who wish to make oral statements at the hearing should notify the Office of the Chief Counsel, Federal Railroad Administration, Room 5101, Nassif Building, 400 Seventh Street S.W., Washington, D.C. 20590, before March 14, 1974 stating the amount of time requested for their initial statement.

The proposed changes in Paragraph (b) of § 174.525 are described below.

**Subparagraph (1).** It is proposed to delete the words "when available" and "on other". The first deletion would make absolute the present conditional specifications contained in the subparagraph. The second is clarifying in nature.

**Subparagraph (3).** It is proposed to substitute "holes" for "loose boards", add "doors" and substitute "which may hold fire from sparks" for "liable to hold sparks and start a fire". The first two changes are merely clarifying in nature while the third change is proposed both for clarification and to conform with the language of subparagraph (4).

**Subparagraph (4).** It is proposed to delete "or broken boards" to conform with similar changes in other subparagraphs.

**Subparagraph (6).** It is proposed to amend this subparagraph to require that after December 31, 1975, each car used to transport Class A explosives must be equipped with roller bearings, and to amend the present first sentence of this subparagraph to reflect this proposal by substituting "The roller bearings or journal boxes, and the trucks" for "The journal boxes and trucks."

Overheating of friction journal bearings often resulting in open flames from burning oil and pads, is recognized as a major hazard in railroad operations. Since roller bearings are much less likely to overheat and even less likely to generate open flames if they should overheat, virtually all of the new freight cars placed in service as well as older cars rebuilt in recent years are equipped with roller bearings. At present, approximately one-half of the national freight car fleet is equipped with roller bearings. In these circumstances, FRA believes that cars carrying Class A explosives should be required to be equipped with roller bearings.

**Subparagraph (11).** The FRA proposes to redesignate existing subparagraph (11) as subparagraph (13) and to add a new subparagraph (11). The proposed new subparagraph provides that after December 31, 1974, each car carrying Class A explosives must be equipped with high-friction composition brake shoes and brake rigging designed for these shoes and that until then the car must be equipped with either high-friction composition brake shoes or high-phosphorous brake shoes and brake rigging designed for the type of brake shoe used. Proposed subparagraph (11) would also require all brake shoes on the car to be of the same type and in safe and suitable condition for service. High-friction com-



position brake shoes would be required to have a minimum thickness of three-eighths inch and high-phosphorus brake shoes, of one-half inch.

Sparks generated by contact between brake shoes and wheels during braking of trains present a serious fire potential which assumes critical dimensions when a car is carrying Class A explosives. Cast iron brake shoes produce a heavy shower of sparks during braking which could ignite any combustible material under the car. High-phosphorus brake shoes are much less susceptible to this sparking effect but since they are made of metallic material, they do produce some sparks during heavy braking. High-friction composition shoes normally generate almost no sparks. Low-friction composition brake shoes also generate practically no sparks. However, because only a very small portion of the nation's freight car fleet is equipped with low-friction composition brake shoes, this type of brake shoe is virtually unknown to many railroad maintenance employees and is not carried in stock by many railroads. Consequently, there is a strong possibility that worn or missing low-friction composition brake shoes may be improperly replaced with high-friction composition brake shoes thereby creating serious fire and safety hazards. Mixed types of brake shoes on a car and worn-out brake shoes are also hazardous.

Subparagraph (12). The FRA proposes to redesignate existing subparagraph (12) as subparagraph (14) and to add a new subparagraph (12). The proposed new subparagraph provides that a car carrying Class A explosives must have either a metal sub-floor with no combustible material exposed beneath the car or have metal spark shields extending from the center sill to the side sills and from each end sill to at least twelve inches beyond the extreme treads of the inside wheels of each truck. The spark shields must be tightly fitted against the sub-floor so that no vacant space to catch sparks or combustible material is exposed. The new subparagraph also provides that the metal sub-floor or spark shields may not have an accumulation of oil, grease or other debris which could support combustion.

In recent demonstrations using a static wheel dynamometer at speeds up to 45 m.p.h. and blowers to simulate the actual railroad environment, slivers of brake shoe material became embedded in cracks in wood placed at car sub-floor height above the test wheel, at distances of more than thirty-six inches beyond the center of the axle in the direction of rotation. In these demonstrations, radiant heat equivalent to that radiated by an overheated wheel, charred wood sub-flooring protected by a tightly-fitted metal shield but did not cause the wood to burn. Particles of brake shoes deposited in a catchpan at ballast level continued to glow for minutes. Accordingly, metal shielding of the area above each truck is necessary to prevent fire caused by heat radiated from an over-

heated wheel or by burning fragments of brake shoe material becoming lodged in wood sub-flooring. This shielding is still necessary even when a car is equipped with high-friction composition brake shoes because in the event of "sticking brakes" or sustained heavy braking, the resin in the composition material may ignite and burn freely causing the brake shoe to disintegrate and freely-burning fragments to be propelled and lodged against the bottom of the car. This shielding will also minimize fire hazards resulting from high-friction composition brake shoes being mistakenly replaced with cast iron brake shoes, a not uncommon occurrence.

Subparagraphs (13) and (14). In these subparagraphs which presently are numbered (11) and (12), the term "qualified inspector" is proposed to be substituted for "competent employee." This change is proposed to describe more precisely the person required to examine, inspect and certify cars used to transport Class A explosives.

In addition, a number of changes are proposed in paragraph (c) of § 174.525.

Subparagraph (1). The term "qualified inspector" is proposed to be substituted for "competent employee" to conform with proposed subparagraphs (13) and (14) of paragraph (b).

Subparagraph (3). The FRA proposes to delete "or to the side of wooden cars between car initials and the car door". As a result, all car certificates would be required to be attached to the fixed placard boards which are now standard equipment on freight cars. Also, the text of Certificate No. 1 would be changed to become a general certification that the car complies with the requirements of the recently issued FRA Freight Car Safety Standards (38 FR 32224) as well as those of this part pertaining to cars used to transport Class A explosives.

Pursuant to the provisions of Section 102(2) (c) of the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the FRA has considered the requirements of that Act concerning Environmental Impact Statements and has determined that the amendments proposed in this notice would not have a significant impact upon the environment. Accordingly, an Environmental Impact Statement is not necessary and will not be issued with respect to the proposed amendments.

This notice is issued under the authority of sections 831-835 of Title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

In consideration of the foregoing it is proposed to amend § 174.525 as set forth below.

Issued in Washington, D.C., on January 28, 1974.

JOHN W. INGRAM,  
Federal Railroad Administrator,  
Member, Hazardous Materials  
Regulations Board.

1. It is proposed to amend § 174.525 as follows:

§ 174.525 Loading packages of explosives in cars, selection, preparation, inspection and certification.

(b) Certified closed cars must be inspected inside and outside, other cars must be inspected as applicable to the type of car, and must conform to the following specifications:

(1) Closed cars of not less than 80,000 pounds capacity, with steel underframes and friction draft gear, must be used except that on narrow-gauge railroad explosives may be transported in cars of less than that capacity provided the available cars of greatest capacity and strength are used for this purpose.

(3) Must have no holes or cracks in the roof, sides, ends, or doors through which sparks may enter, or unprotected decayed spots which may hold sparks and start a fire.

(4) The roof of the car must be carefully inspected from the outside for decayed spots, especially under or near the running board, and such spots must be covered or repaired to prevent their holding fire from sparks. A car with a roof generally decayed, even if tight, must not be used.

(6) The roller bearings or journal boxes, and the trucks must be carefully examined and put in such condition as to reduce to a minimum the danger of hotboxes or other failure necessitating the setting out of the car before reaching destination. The lids or covers of journal boxes must be in place. After December 31, 1975, the car must be equipped with roller bearings.

(11) After (effective date), the car must be equipped with high-friction composition or high-phosphorous brake shoes and the brake rigging designed for the type of brake shoe used. After December 31, 1974, the car must be equipped with high-friction brake shoes and brake rigging designed this type of brake shoe. After (effective date) all brake shoes on the car must be of the same type, in safe and suitable condition for service, and in compliance with the following wear limits: High-friction composition brake shoes must be at least three-eighths inch thick and high-phosphorous brake shoes must be at least one-half inch thick.

(12) The car must have either a metal sub-floor with no combustible material exposed beneath the car, or metal spark shields extending from center sill to side sills and from end sills to at least 12 inches beyond the extreme treads of the inside wheels of each truck, which are tightly fitted against the sub-floor so that there is no vacant space or combustible material exposed. The metal sub-floor or spark shields may not have an accumulation of oil, grease or other debris which could support combustion.

(13) The carrier must have the car examined by a qualified inspector to see



that it is properly prepared, and must have a "Car Certificate" signed in triplicate upon the prescribed form (see paragraph (c) (2) and (3) of this section) before permitting the car to be loaded.

(14) Except as provided in § 174.584 (h), a car must not be loaded with any explosives, Class A, until it shall have been thoroughly inspected by a qualified inspector of the carrier who shall certify as to its proper condition under this section and shall sign Certificate No. 1 prescribed in paragraph (c) (2) and (3) of this section.

(c) \* \* \*

(1) For all shipments loaded by the shipper, a qualified inspector of the carrier must inspect the finished load and certify to its compliance with this part before the car shall be accepted for transportation; and Certificate No. 2 as prescribed by subparagraphs (2) and (3) of this paragraph shall be signed before the car is permitted to go forward. When a car is loaded by the carrier, Certificate No. 2 must be signed only by the representative of the carrier.

(3) Car certificate. The following certificate, printed on strong tag board measuring 7 by 7 inches, or 6 by 8 inches, must be duly executed in triplicate by the carrier, and by the shipper, if he loads the shipment; the original must be filed by the carrier at the forwarding station on a separate file; and the other two must be attached, one to each outer side of car to the fixed placard board or as otherwise provided.

----- Railroad  
 CAR CERTIFICATE  
 No. 1 ----- Station, -----, 19--  
 I hereby certify that I have this day personally examined Car Number ----- and that the car complies with the FRA Freight Car Safety Standards (49 CFR Part 215) and with the requirements for freight cars used to transport explosives prescribed by the DOT Hazardous Materials Regulations Board (49 CFR Part 174).

-----  
 (Qualified Inspector)

[FR Doc. 74-2967 Filed 2-5-74; 8:45 am]

**National Highway Traffic Safety Administration**

[ 49 CFR Part 571 ]

[Docket No. 74-2; Notice 1]

**NEW PNEUMATIC TIRES FOR PASSENGER CARS**

**Proposed Revision of Tire Endurance Test; Correction**

In FR Doc. 74-795, appearing at page 1516 in the issue of January 10, 1974, change the schedule of test loads in S5.4.2.3 to read:

Maximum permissible inflation pressure (pounds per square inch)	Load for—				
	4 hours	4 hours	4 hours	4 hours	4 hours
32.....	24 (lb/in <sup>2</sup> ) column.	111 percent of 24 (lb/in <sup>2</sup> ) column.	130 percent of 24 (lb/in <sup>2</sup> ) column.	145 percent of 24 (lb/in <sup>2</sup> ) column.	160 percent of 24 (lb/in <sup>2</sup> ) column.
36.....	28 (lb/in <sup>2</sup> ) column.	115 percent of 28 (lb/in <sup>2</sup> ) column.	130 percent of 28 (lb/in <sup>2</sup> ) column.	145 percent of 28 (lb/in <sup>2</sup> ) column.	160 percent of 28 (lb/in <sup>2</sup> ) column.
40.....	32 (lb/in <sup>2</sup> ) column.	115 percent of 32 (lb/in <sup>2</sup> ) column.	130 percent of 32 (lb/in <sup>2</sup> ) column.	145 percent of 32 (lb/in <sup>2</sup> ) column.	160 percent of 32 (lb/in <sup>2</sup> ) column.

(Secs. 103, 119, 201, 202, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421, and 1422); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on February 1, 1974.

ROBERT L. CARTER,  
 Associate Administrator,  
 Motor Vehicle Programs.

[FR Doc. 74-3062 Filed 2-5-74; 8:45 am]

**CIVIL AERONAUTICS BOARD**  
 [ 14 CFR Parts 207, 208, 212 and 214 ]

[Docket No. 26301; EDR 261A]

**CHARTER FLIGHTS**

**Supplemental Notice of Proposed Rulemaking; Extension of Time for Comment**  
 FEBRUARY 1, 1974.

By notice of proposed rulemaking EDR-261, dated January 15, 1974 and published at 39 FR 1865, the Board gave notice that it had under consideration an amendment to Parts 207, 208, 212 and 214 of its Economic Regulations (14 CFR Parts 207, 208, 212 and 214) to prohibit direct air carriers from combining on the same aircraft one or more split charters, operated by an indirect air carrier under any of the Board's Special Regulations, with one or more split charters of the "prior affinity" type, involving the same person acting as travel agent for the "prior affinity" charter. Interested persons were invited to participate in the proposed rulemaking through submission of twelve (12) copies of written data, views or arguments pertaining thereto to the Docket section of the Board on or before February 15, 1974.

Counsel for the National Air Carrier Association has requested a two-week extension of the time for filing comments to March 1, 1974. In support of the request, counsel states, inter alia, that the additional time is needed to permit counsel to ascertain in detail the views of the NACA member carriers in order to prepare a joint response, and also to allow carrier personnel to gather potentially relevant data regarding the volume of charter traffic which would be affected by the proposed rule.

The undersigned finds that good cause has been shown for an extension of time for filing comments to March 1, 1974.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations, the under-

signed hereby extends the time for submitting comments to March 1, 1974.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

[SEAL] ARTHUR H. SIMMS,  
 Associate General Counsel,  
 Rules and Rates Division.

[FR Doc. 74-3044 Filed 2-5-74; 8:45 am]

**FEDERAL COMMUNICATIONS COMMISSION**

[ 47 CFR Part 73 ]

[Docket No. 19879]

**CERTAIN STATIONS IN ARKANSAS**

**FM Table of Assignments; Order Extending Time for Filing Comments and Reply Comments**

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Little Rock, Benton, Batesville, and Mountain View, Arkansas, Docket No. 19879, RM-2020, RM-2113, RM-2064, RM-2226.)

1. On November 21, 1973, the Commission adopted a notice of proposed rulemaking in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on November 29, 1973, 38 FR 32946. The dates for filing comments and reply comments are presently January 28 and February 13, 1974, respectively.

2. On January 25, 1974, Counsel for Arkansas Media Ventures (Arkansas Media) requested a 30-day extension in which to file comments. Counsel states that Arkansas Media only recently learned of the Commission's proposal to assign an FM channel to Little Rock, Arkansas, and is giving serious consideration to filing comments supporting that assignment and filing an application for that channel as a means of fulfilling its goal of black ownership of one of Little Rock's radio stations.

3. It appears that an extension is warranted. However, we believe a 30-day extension is excessive. Accordingly, it is ordered, That the dates for filing comments and reply comments in this proceeding are extended to and including February 11 and February 25, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act

<sup>1</sup> Published at page 3573 in the issue of Monday, January 28, 1974.



of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: January 28, 1974.

Released: January 31, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 74-3011 Filed 2-5-74; 8:45 am]

#### [ 47 CFR Part 73 ]

[Docket No. 19667; FCC 74-69]

### BROADCAST LICENSEES

#### Program Records

In the matter of petition for rulemaking to require broadcast licensees to maintain certain program records, Docket No. 19667; RM-1475.

1. The Commission has before it a proposal on its own motion looking toward adoption of rules to permit the reproduction of material in television station public files.

2. On January 3, 1974, the Commission adopted a First Report and Order in this proceeding (FCC 74-24, released January 9, 1974) [39 FR 1763] amending the Commission's rules to provide for public inspection of television station program logs and to establish the procedures which would apply to inspection requests. Among other things, the rules which we adopted permitted the inspecting party to obtain copies of these logs if they were willing to assume the costs of reproduction. Under the newly adopted rules, copies of all logs open to inspection may be copied except for the composite week logs which are part of the regular public inspection file. Thus, the anomalous situation which exists in which copies may be had of newly public material but not for the material traditionally available pursuant to the provisions of § 1.526 of the Commission's rules. While some stations may permit copying, none is now obliged to do so.

3. Accordingly, we invite comments on a proposed change in our rules to provide that material in a television station's public file may be copied, with the costs of such reproduction to be borne by the inspecting party. Our tentative view is that a simple requirement to this effect might well suffice, but we shall consider comments which suggest the need for more particularization as to the circumstances which should obtain. In view of our recent actions to revise renewal procedures as well as to establish new requirements in connection with inspection of program logs, the Commission wishes to act promptly and in a fashion reflective of these other actions. While this is not intended to foreclose consideration of views in opposition to the current proposal, parties interested in putting forth such a view should bear in mind that this Notice is not intended to function as a vehicle for reconsideration of other act-

tions taken in this general area. Thus, such parties should explain how the view they express might be coordinated with these other actions.

4. Accordingly, the Commission proposes to amend its rules as described above and pursuant to section 4(i), 303 (g) and (j) and (r) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may submit comments on or before March 7, 1974, and reply comments on or before March 18, 1974. All relevant and timely comments will be considered by the Commission before final action is taken.

6. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: January 23, 1974.

Released: January 29, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc. 74-3008 Filed 2-5-74; 8:45 am]

### FEDERAL POWER COMMISSION

#### [ 18 CFR Ch. I ]

[Docket No. MR74-12]

### RATES CHARGED FOR NONJURISDICTIONAL SALES OF NATURAL GAS BY NATURAL GAS COMPANIES

#### Proposed Rulemaking To Establish a Data Collection System to Investigate Rates

JANUARY 30, 1974.

Pursuant to the Administrative Procedure Act (5 U.S.C. 551, et seq. (1970)), and sections 5, 8, 10, 14, 15, and 16 of the Natural Gas Act, (15 U.S.C. 717, et seq. (1970)) the Federal Power Commission hereby gives notice that it is considering the adoption of rules and regulations providing for the systematic collection of data and information concerning sales of natural gas made in intrastate commerce and other sales of natural gas not subject to the Commission's jurisdiction under gas sales contracts executed on or after January 1, 1974, by natural gas companies subject to the jurisdiction of the Commission.

Because of the existing natural gas shortage<sup>1</sup> and the current national energy crisis, it is imperative that the

Commission have current information concerning sales of natural gas which are not subject to its ratemaking jurisdiction in order that it may formulate adequate policies concerning sales of natural gas in interstate commerce and other regulatory purposes. The collection of information concerning intrastate and other non-jurisdictional sales by companies subject to the jurisdiction of the Commission should provide a useful sample of the prices charged for new sales of natural gas which are not within the scope of the Commission's jurisdiction. Since the Commission's immediate interest is in obtaining data and information concerning new sales of natural gas, the scope of this rulemaking is being restricted to those sales made pursuant to contracts executed on or after January 1, 1974.<sup>2</sup> This information would be collected through the adoption of the rules and regulations proposed herein.

Information gained in recent area rate proceedings,<sup>3</sup> in many limited term certificate proceedings,<sup>4</sup> and in optional pricing proceedings,<sup>5</sup> indicates that rates charged for new sales of natural gas not subject to this Commission's jurisdiction have increased more rapidly and significantly in recent years and that these increases make it extremely difficult for interstate pipelines to contract for new supplies of natural gas in on-shore areas.<sup>6</sup> This inability to obtain new supplies of gas to replace existing supplies as they are exhausted intensifies curtailment of deliveries by various interstate pipelines. It is anticipated that these curtailments will increase in the future.<sup>7</sup>

Current information on sales which are not regulated by this Commission are not reported by any government agency on a comprehensive basis. Furthermore, it is not possible to determine

<sup>1</sup> The Commission may at some future date institute an investigation concerning non-jurisdictional sales made pursuant to contracts executed prior to January 1, 1974.

<sup>2</sup> See Area Rate Proceeding (Permian Basin Area), Docket No. AR70-1 (Phase I), Initial Decision Of The Presiding Administrative Law Judge On Permian Basin Area Rates, F.P.C. — (Issued December 20, 1972), mimeo pp. 8-12, 13-15.

<sup>3</sup> 18 CFR 2.70; Policy With Respect To Establishment Of Measures To Be Taken For The Protection Of As Reliable And Adequate Service As Present Natural Gas Supplies And Capacities Will Permit, Docket No. R-418, Order No. 431, 45 F.P.C. 570 (1971), as amended by Order No. 431-A, 48 F.P.C. 193 (1972).

<sup>4</sup> 18 C.F.R. § 2.75; Optional Procedure For Certifying New Producer Sales Of Natural Gas, Docket No. 441, Order No. 455, 48 F.P.C. 218 (1972), as amended by Order No. 455-A, 48 F.P.C. 477 (1972), appeal pending John E. Moss, et al. v. F.P.C., Nos. 72-1837, et al. (D.C. Cir. September 11, 1972).

<sup>5</sup> The term "onshore" also refers to areas underlying the seas within the domains of the several states. All natural gas found within the "offshore" federal domain is by location subject to the jurisdiction of the Commission.

<sup>6</sup> Nation-wide Fuel Emergency, Docket No. RM74-8, Order No. 498, 50 F.P.C. — (Issued December 21, 1973), mimeo p. 1.

<sup>1</sup> 60 Stat. 237, 918, 993 (1946); 61 Stat. 37, 201 (1947); 62 Stat. 99 (1948); 80 Stat. 250 (1966).

<sup>2</sup> 52 Stat. 823, 825, 826, 828, 829, 830 (1938); 15 U.S.C. § 717d, 717g, 717i, 717m, 717n, 717o (1970).

<sup>3</sup> The natural gas shortage has been recognized by the Courts. E.g., F.P.C. v. Louisiana Power & Light Co., 406 U.S. 621 (1972).



whether prices established by this Commission for sales in interstate commerce are sufficient for interstate pipelines to acquire new gas supplies when in competition with purchasers in intrastate markets. The proposed rules and regulations established herein are designed to provide the Commission with a continuing source of information concerning the prices and other conditions attached to sales of natural gas not otherwise subject to the Commission's jurisdiction.

Not all producers of natural gas are covered by this rulemaking. Those independent producers subject to the Commission's jurisdiction which have annual sales in interstate commerce of less than 1.0 Bcf, as well as producers which do not have any jurisdictional sales of natural gas, are excluded. This should not detract substantially from the reliability and usefulness of the data and information collected pursuant to this rulemaking since the interstate producers which would be required to make filings pursuant to this rulemaking are the major domestic crude oil and natural gas producers.

The proposed rulemaking would require all independent producers having annual jurisdictional sales in excess of 1.0 Bcf, all pipeline producing affiliates, and all jurisdictional pipelines making wellhead and field sales to file the reports prescribed herein.<sup>10</sup> The reports would be placed in the public files to insure access to records upon which future Commission decisions may be based. These reports would be available for inspection by the public.

In order to lessen the burden on small independent producers, those producers having annual jurisdictional sales in excess of 1.0 Bcf but less than 10.0 Bcf would be required to file the proposed reports on a quarterly basis. All independent producers having annual jurisdictional sales in excess of 10.0 Bcf, all pipeline producing affiliates, and all jurisdictional pipelines making wellhead sales would be required to file the proposed reports on a monthly basis. If the reporting entity does not execute a new non-jurisdictional gas sales contract within the applicable reporting period, a report would be filed with the Commission indicating that no new sales were commenced in the reporting period.

The reports prescribed by the proposed rules and regulations would be made on FPC Form No. ----, which the

Commission also proposes to adopt in order to insure uniformity in the reporting of new nonjurisdictional sales to the Commission. The following information would be reported for each nonjurisdictional sale made pursuant to a contract executed on or after January 1, 1974: (1) The producer; (2) the purchaser; (3) the date of the contract; (4) the volume sold during the applicable reporting period (month or quarter); (5) the initial price; (6) contract termination date; (7) the pressure base; (8) periodic escalation provisions; (9) Btu adjustments and the base Btu content for such adjustments; (10) tax reimbursement provisions; (11) other price terms such as so-called "price redetermination clauses"; and (12) the location of the sale by state and county, or parish, or block (for offshore sales within the domains of the several states). The Commission desires this information and data only for new nonjurisdictional sales made by producers subject to the Commission's jurisdiction. In lieu of filing FPC Form No. ---- on a quarterly basis, an independent producer having annual jurisdictional sales in excess of 1.0 Bcf but less than 10.0 Bcf would simply verify and file copies of all new nonjurisdictional contracts executed during the applicable quarter. All other independent producers having annual jurisdictional sales in excess of 10.0 Bcf, pipeline producing affiliates, and jurisdictional pipelines making wellhead sales would be required to complete, verify, and file FPC Form No. ---- on a monthly basis.

Independent producers having non-jurisdictional sales in excess of 1.0 Bcf but less than 10.0 Bcf would be required to complete, verify, and file the reports on new nonjurisdictional sales by the twentieth day of the month following the end of each calendar quarter. All independent producers having annual jurisdictional sales in excess of 10.0 Bcf, pipeline producing affiliates, and jurisdictional pipelines making wellhead sales would be required to complete, verify, and file FPC Form No. ---- on or before the fifteenth day of the month following the last day of the preceding month for which the report is being submitted. Reports indicating no new non-jurisdictional sales for the applicable reporting period would be due on the same date as a report indicating new nonjurisdictional sales would be due.

The Federal Power Commission proposes to amend its Regulations under the Natural Gas Act by adding new Section ---- (18 CFR ----) entitled "Reporting Of New Nonjurisdictional Sales" as follows:

**Section ----. Reporting of New Non-jurisdictional Sales of Natural Gas.**

(a) All independent producers having annual jurisdictional sales in excess of 1.0 Bcf (1,000,000 Mcf), pipeline producing affiliates, and pipelines making wellhead sales shall verify and report all new sales of natural gas not subject to the rate regulation of the Federal Power

Commission made pursuant to contracts executed on or after January 1, 1974.

(b) The sales required to be reported by paragraph (a) are all sales made by the named classes of natural gas companies which are not subject to the rate-making regulatory authority of the Federal Power Commission pursuant to sections 4, 5 and 7 of the Natural Gas Act.

(c) The reports required by this section shall be made on FPC Form No. ---- and shall contain the following information with respect to all new nonjurisdictional sales made during the applicable reporting period:

- (1) The name of the seller;
- (2) The name of the purchaser;
- (3) The location of the sale by state and county, or parish, or block (for sale made from offshore areas within the domains of the several states);
- (4) The date of the contract;
- (5) Expiration date of the contract;
- (6) The volume to be sold on an annual basis;
- (7) Initial base price;
- (8) Tax reimbursement;
- (9) Other adjustments to base price;
- (10) Total price;
- (11) The pressure base (psia);
- (12) Escalation provisions;

(d) The applicable reporting period shall be (1) the calendar quarter ending on the last day of the months of March, June, September, and December for all independent producers having annual jurisdictional sales in excess of 1.0 Bcf but less than 10.0 Bcf; or (2) the calendar month for all other independent producers, all pipeline affiliates, and all pipelines subject to the jurisdiction of the Federal Power Commission.

(e) The reports required by this section shall be completed, verified, and filed as follows:

(1) For all independent producers filing on a quarterly basis, FPC Form No. ---- shall be completed, verified, and filed by the twentieth day of the month following the end of the applicable calendar quarter; or

(2) For all other natural gas companies required to file FPC Form No. ----, the report for the applicable calendar month shall be completed, verified, and filed by the fifteenth day of the month following the applicable reporting period.

(f) In lieu of filing FPC Form No. ---- all independent producers reporting on a quarterly basis may file verified copies of the contracts for all new nonjurisdictional sales executed during the applicable calendar quarter by the same date prescribed in paragraph (e).

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, not later than February 19, 1974, any views, comments, or suggestions in writing concerning all or part of the procedures proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825

<sup>10</sup> Section 8(a), 52 Stat. 825 (1938), 15 U.S.C. § 717g(a), provides that "[e]very natural-gas company shall make, keep, and preserve for such periods \* \* \* such other records as the Commission may by rules and regulations prescribe as necessary or appropriate for purposes of the administration of this act \* \* \*."

Section 10(a), 52 Stat. 826, 15 U.S.C. section 717i(a), provides that "[e]very natural-gas company shall file with the Commission such annual and other periodic or special reports as the Commission may by rules and regulations or order prescribe as necessary and appropriate to assist the Commission in the proper administration of this act."



North Capitol Street, NE., Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before action on the matters proposed herein. An original and 14 conformed copies of any comments shall be filed by the Secretary of the

Commission. Submittals to the Commission shall indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal shall be addressed.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By Direction of the Commission.<sup>11</sup>

KENNETH F. PLUMB,  
Secretary.

<sup>11</sup> Commissioner Moody, concurring specially, filed a separate statement appended hereto. Statement filed as part of original document.

*Reporting of New Nonjurisdictional Sales of Natural Gas By Natural Gas Companies Subject to the Jurisdiction of the Federal Power Commission*

Seller

Address

Date-period ending:

1. All independent producers having annual jurisdictional sales in excess of 1.0 Bcf (1,000,000 Mcf), pipeline affiliates and pipelines subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act shall report all new sales of natural gas not subject to the rate regulation of the Federal Power Commission made pursuant to contracts executed on or after Jan. 1, 1974.

2. The sales required to be reported by this form are all sales made by the named classes of natural gas companies which are not subject to the rate regulatory authority of the Federal Power Commission pursuant to secs. 4 and 5 of the Natural Gas Act.

Purchaser	Location of sale (State and county, or parish or block)	Contract date <sup>1</sup>	Expiration date of contract	Volume to be sold on annual basis	Initial base price	Tax reim- bursement	Other adjustments to base price (Ex- plain by footnote)	Total price	Pressure base (lb/in <sup>2</sup> a)	Escalation provisions <sup>2</sup>
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)

<sup>1</sup> Indicate by footnote if the contract is a percentage type sales arrangement; also indicate if seller is a non-signatory party to the contract. If a non-signatory, identify the operator.

<sup>2</sup> Spiral, favored nation (2 or 3 party), redetermination, renegotiation, periodic, etc.

[FR Doc. 74-2961 Filed 2-5-74; 8:45 am]

## VETERANS ADMINISTRATION

### [ 38 CFR Part 3 ]

#### VETERANS BENEFITS

##### Guardianship and Institutional Awards

On page 29076 of the FEDERAL REGISTER of October 19, 1973, there were published regulatory changes approved by the Administrator of Veterans' Affairs, amending §§ 3.850, 3.852 and 3.855, Title 38 of the Code of Federal Regulations, to reflect changes in organization and policy relating to the guardianship program of the Veterans Administration. A comment was received that the regulatory provisions as published did not indicate they were applicable to female veterans.

Section 102(b) of Title 38, United States Code, provides that the term "wife" includes the husband of a female veteran. There is a similar provision in § 3.51, Title 38, Code of Federal Regulations which also provides that the husband or widower of a female veteran has the same status as the wife or widow of a male veteran. For clarification it is proposed to amend §§ 3.850, 3.851, 3.852, 3.855 and 3.857 to reflect that their provisions are applicable equally to male and female veterans. In addition, it is proposed to amend § 3.852 by increasing the amount available on an award on behalf of an incompetent veteran without dependents to the chief officer of an institution in which he is hospitalized.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (27H), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before March 8, 1974 will be considered. All written comments received will be avail-

able for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

These changes to VA Regulations will be effective the date of final approval except the change in monetary amount in § 3.852(b) which is pursuant to Pub. L. 93-177 (87 Stat. 694) is effective January 1, 1974.

It is proposed to amend Part 3, Title 38 of the Code of Federal Regulations as follows:

1. In § 3.850, paragraph (a) is amended to read as follows:

##### § 3.850 General.

(a) Payment of benefits to a duly recognized fiduciary will be made on behalf of a person who is mentally incompetent or who is a minor; however, payments may be made direct to a minor who is serving in or has been discharged from the military forces of the United States or a minor widow or widower. Direct payment to such a child or widow (widower) without the appointment of a fiduciary is not mandatory but depends upon the circumstances involved. In any case of an incompetent veteran having no guardian, payment of benefits may be made to the wife (or husband) of such veteran for the use of the veteran and his (or her) dependents.

2. Section 3.851 is revised to read as follows:

##### § 3.851 St. Elizabeths Hospital, Washington, D.C.

Benefits due or becoming due any person who is a patient at St. Elizabeths Hospital will be paid to a duly appointed fiduciary of such person. The benefits payable to a veteran who has no wife (or husband), child, or dependent parent will be paid by an institutional award in accordance with § 3.852 if there is no such fiduciary. Benefits payable to veterans' dependents who are patients at this hospital will be paid only to a fiduciary of such dependent, except that any awards now being paid to the superintendent will be continued while such dependent remains a patient.

3. In § 3.852, the introductory portion of paragraphs (a) and (b) preceding subparagraph (1) and paragraph (b) (2) and (3) are amended to read as follows:

##### § 3.852 Institutional awards.

(a) When an incompetent veteran entitled to pension, compensation or retirement pay is a patient in a hospital or other institution, payments on his (or her) account may be made to the chief officer of a Veterans Administration or non-Veterans Administration institution:

(b) In an institutional award of pension, compensation or retirement pay there may be paid to the chief officer of a non-Veterans Administration institution on behalf of the veteran an amount not in excess of \$50 per month. An institutional award of disability pension will not exceed \$10 per month if the award is apportionable under § 3.454(a).



(2) There may be paid on behalf of a veteran, having no wife (or husband), child or dependent parent and receiving care in a non-Veterans Administration institution, such additional amount, within the limit of the total payable and as may be certified by the Veterans Assistance Officer, needed for the benefit of the veteran and to pay for his (or her) care and maintenance. Moneys on deposit in Personal Funds of Patients will not be used for this purpose except as authorized by the Veterans Assistance Officer under § 13.72 of this chapter.

(3) If the veteran has dependents, or more is payable under his (or her) rating, or there are funds to his (or her) credit in "Funds Due Incompetent Beneficiaries," such additional amount as may be needed will be allowed on the basis of a certification by the chief officer with respect to need and amount required.

4. In § 3.855, paragraph (b) is amended to read as follows:

**§ 3.855 Beneficiary reported incompetent.**

(b) Evidence of incompetency other than notice of commitment or of appointment of guardian. If information other than that described in paragraph (a) of this section is received and it is indicated that the beneficiary may be incompetent or is not receiving or is being deprived of the full benefits being paid, the Veterans Assistance Officer will be requested to determine whether a fiduciary should be appointed. Payments will not be discontinued pending receipt of the Veterans Assistance Officer's report unless necessary as a protective measure.

5. Section 3.857 is revised to read as follows:

**§ 3.857 Children's benefits to fiduciary of widow or widower.**

Where children are separated from the widow or widower by reason of her (or his) incompetency, no apportionment is required. All amounts payable on behalf of the children may be paid to the fiduciary of the widow or widower provided the fiduciary is adequately taking care of the needs of the children from the beneficiary's estate voluntarily or pursuant to a decree of court.

Approved: January 29, 1974.

By direction of the Administrator,

[SEAL] R. L. ROUBEUSH,  
Deputy Administrator.

[FR Doc. 74-3039 Filed 2-5-74; 8:45 am]

**DEPARTMENT OF LABOR  
Occupational Safety and Health  
Administration**

[ 29 CFR Part 2201 ]

**INFORMAL PROCEEDINGS**

**Proposed Rulemaking**

The Occupational Safety and Health Review Commission is considering the

adoption of new rules of procedure permitting the holding of informal proceedings in the making of adjudications under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), rather than the formal proceedings now required under Part 2200 of Title 29, Code of Federal Regulations. Under the proposal, the procedure for the holding of an informal proceeding would be available to the parties upon their waiver of their rights to a proceeding subject to 5 U.S.C. sections 556 and 557, the formal adjudicative provisions of the Administrative Procedure Act. The proposal is intended to permit the expedition of Commission proceedings and to reduce their cost.

Although notice and public procedure are not required under 5 U.S.C. 553 with respect to the adoption of procedural rules, the Commission considers it in the public interest to elicit public comments concerning the proposal. Accordingly, interested persons may comment in writing upon the proposal by submitting written data, views, and arguments to the Executive Secretary, Occupational Safety and Health Review Commission, 1825 K Street, NW., Washington, D.C. 20006 not later than March 25, 1974. All comments should be submitted with four copies.

Under the proposal, Chapter XX of Title 29, Code of Federal Regulations, would be amended by adding thereto a new part, designated Part 2201, which would read as follows:

**PART 2201—RULES FOR INFORMAL  
PROCEDURE**

Sec.

2201.1 Purpose and scope.

**WAIVER OF RIGHTS TO FORMAL HEARING**

2201.5 Employer contests.

2201.6 Employee contests.

2201.7 Petitions for modification of abatement periods.

**CONFERENCE-HEARING**

2201.9 Reporter; transcripts.

2201.10 Presiding officer.

2201.11 Oral pleadings.

2201.12 Evidence; argument.

2201.13 Decision.

2201.14 Application of Part 2200 of this chapter.

AUTHORITY: Sec. 12(g), Pub. L. 91-596 (29 U.S.C. 661(f)).

**§ 2201.1 Purpose and scope.**

(a) This part prescribes an informal procedure for the adjudication of contests that are brought before the Commission under section 10 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 659, hereinafter referred to as the Act). The procedure is intended to permit the saving of time and expense for the parties without any impairment of essential procedural fairness. The procedure differs from that prescribed in Part 2200 of this chapter mainly in the following ways:

(1) All pleadings may be oral rather than written and, when oral, are to be stated at the beginning of the conference-hearing.

(2) The use of a verbatim transcript is optional. Instead, use may be made

of a summary of the evidence to be made by the Administrative Law Judge.

(3) The Administrative Law Judge's decision may be issued promptly following completion of the proceeding before him.

(b) The procedure in this part applies only when all parties have waived their rights to a hearing under Part 2200 of this chapter.

**WAIVER OF RIGHTS TO FORMAL HEARING**

**§ 2201.5 Employer contests.**

(a) In the event of a contest by an employer pursuant to section 10(c) of the Act (29 U.S.C. 659(c)), the employer may waive his right to a formal hearing under Part 2200 of this chapter either in his notice of contest, or subsequently by filing a notice of waiver directly with the Executive Secretary of the Occupational Safety and Health Review Commission, 1825 K Street, NW., Washington, D.C. 20006.

(b) Any party other than the employer may also file a notice of waiver of a formal hearing with the Executive Secretary of the Commission at the address specified in the preceding paragraph.

(c) Any notice of waiver under this section must be filed with the Executive Secretary at the address specified in paragraph (a) of this section not later than twenty (20) days from the service of the notice of contest, except for good cause shown, or by consent of all parties, a later filing is permitted.

(d) If any party files a notice of waiver, any other party or a person having a right to be admitted as party, shall be deemed to waive his right to a formal hearing, unless he files a written express intention not to waive this right within ten (10) days from the service of the notice of waiver, or the posting of a notice of waiver in the case of unrepresented employees.

**§ 2201.6 Employee contests.**

(a) In the case of an employee contest pursuant to section 10(c) of the Act (29 U.S.C. 659(c)), the right of a party to a formal hearing under Part 2200 of this Chapter may be waived whenever a contesting employee or any authorized representative thereof so requests either in his notice of contest or by filing a notice of waiver with the Executive Secretary of the Occupational Safety and Health Review Commission, 1825 K Street, N.W., Washington, D.C. 20006.

(b) Any other party may also file a notice of waiver of a formal hearing with the Executive Secretary of the Commission at the address specified in paragraph (a) of this section.

(c) Any notice of waiver must be filed within twenty (20) days from the service of the notice of contest, except for good cause shown or by consent of all parties, a later filing is permitted.

(d) If any party files a notice of waiver, any other party or a person having a right to be admitted as party, shall be deemed to waive his right to a formal hearing, unless he files a written



express intention not to waive this right within ten (10) days from the service of the notice of waiver.

**§ 2201.7 Petitions for modification of abatement periods.**

(a) In the case of a petition for modification of an abatement period, which is opposed by any party, the procedure shall be informal under this Part 2201, unless a party requests a formal hearing under Part 2200 of this chapter.

(b) The petition shall state clearly and concisely why the abatement requirements of the citation cannot be met. In addition, the petition shall set forth what abatement requirements would be reasonable in the view of the petitioner.

(c) Any petition shall be served upon represented and unrepresented affected employees in the manner prescribed in section 2200.7 of this chapter. Proof of service shall be required, and should normally accompany the petition.

(d) A party may request a formal hearing under Part 2200 of this Chapter at any time up to twenty (20) days before the commencement of a conference-hearing under this part, except that for good cause shown, a request may be subsequently presented as late as the time for commencement of the hearing.

**CONFERENCE-HEARING**

**§ 2201.9 Reporter; transcripts.**

Whenever oral testimony is to be taken at a conference-hearing, a reporter shall be present to record the proceeding. An official verbatim transcript of the proceeding shall not be prepared unless it is requested by the Administrative Law Judge.

**§ 2201.10 Presiding officer.**

An Administrative Law Judge shall preside in every case under this part.

**§ 2201.11 Oral pleadings.**

The pleadings of the parties may be stated orally at the commencement of the conference-hearing. The conference-hearing shall then be held on the issues that are raised. If all parties agree, the case may be submitted for decision upon an agreed statement of issues as well as facts.

**§ 2201.12 Evidence; argument.**

(a) All relevant evidence may be offered on the issues involved. The parties may submit to a disposition based upon an agreed statement of facts, or may agree to admit as evidence any relevant information regardless of its form or the manner in which it is submitted.

(b) Each party shall have a right to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(c) Each party shall be allowed a reasonable opportunity to present oral argument in support of his position, unless the same is waived.

(d) The parties may agree to accept any summary of the oral testimony that may be made by the Administrative Law Judge that is critical to his findings of fact with respect to the issues involved, subject to such corrections and additions as the parties may agree upon. Any summary of the oral testimony shall be circulated to the parties for corrections and additions. The summary shall be binding unless corrections are filed with the Administrative Law Judge within twenty (20) days from the date of service. If the parties are unable to agree on corrections and additions, the disputed evidence shall be transcribed and filed as an appendix to the Judge's decision.

**§ 2201.13 Decision.**

Upon completion of the presentation of the parties, the Administrative Law

Judge may announce his disposition of the issues from the bench. In every case under this part, the Administrative Law Judge shall prepare a written decision and order which shall be filed with the Executive Secretary and which shall be served upon all the parties.

**§ 2201.14 Application of Part 2200 of this chapter.**

(a) Part 2200 of this chapter shall apply to the conduct of proceedings under this part, except with respect to matters stated herein and the following:

- (1) The filing of pleadings,
- (2) Requests for admissions and discovery, and
- (3) The hearing procedures themselves.

(b) Particular attention is directed to the requirements of § 2200.7 requiring that all pleadings be served upon all parties (including employees or their authorized representatives entitled to be parties).

Proof of service, including any posting required under paragraph (g) thereof for the benefit of affected employees who are not represented by an authorized representative, shall be filed with any notice of waiver or objection to waiver that may be filed under this part. The filing of proof of service with any notice of waiver (or objection thereto) may be waived if proof of service is filed within ten (10) days from the date that the notice of waiver or objection to waiver is filed.

Signed this 1st day of February, 1974.

ROBERT D. MORAN,  
Chairman.

JAMES F. VAN NAMEE,  
Commissioner.

TIMOTHY F. CLEARY,  
Commissioner.

[FR Doc.74-3002 Filed 2-5-74;8:45 am]



# Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF STATE

### Agency for International Development RESEARCH ADVISORY COMMITTEE

#### Notice of Meeting

Pursuant to Executive Order 11686 and the provisions of section 10(a) (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee Meeting on February 21 and 22, 1974, at the Pan American Health Organization Building, 23rd Street and Virginia Avenue, NW., Conference Room "B", to review, appraise and make recommendations to the Administrator, Agency for International Development, concerning proposals for research contracts in the fields of agriculture, health, population and science and technology. In addition, a portion of the meeting will be devoted to a discussion of the role and functions of the Research Advisory Committee. That portion of the meeting concerning proposals for research contracts will be held on February 21, 1974, 9:15 a.m. to 6:00 p.m. The session concerning the role of the Research Advisory Committee will be held on February 22, 1974 from 9:00 a.m. to 5:00 p.m. Dr. Erven Long, Associate Assistant Administrator, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Erven Long, 21st Street and Virginia Avenue, NW., Washington, D.C. 20523, or call area code 202-632-9223.

Dated: January 25, 1974.

JOEL BERNSTEIN,  
Assistant Administrator for  
Technical Assistance.

[FR Doc.74-2984 Filed 2-5-74; 8:45 am]

#### Office of the Secretary

[Notice 412]

### CAMERON COUNTY, TEXAS

#### Issuance of Permit for Bridge Near San Benito, Texas

The Secretary of State has issued a permit to the San Benito International Bridge Company to construct, complete, operate, and maintain a highway toll bridge between the unincorporated areas of Los Indios, Texas, and Soliceno, Tamaulipas, Mexico. Under the terms of a contract with the bridge company, upon completion, the bridge will become the property of Cameron County, Texas, and the Republic of Mexico which will op-

erate, maintain, and set a schedule of tolls for the bridge.

For the Secretary of State.

[SEAL] RAYMOND J. WALDMANN,  
Deputy Assistant Secretary, Bu-  
reau of Economic and Busi-  
ness Affairs.

JANUARY 25, 1974.

[FR Doc.74-3016 Filed 2-5-74; 8:45 am]

[Notice 415]

### FOREIGN ASSISTANCE ACT

#### Notice of Presidential Determination

Pursuant to section 654(c) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2414(c)), notice is hereby given that:

(1) On December 20, 1973, the President made a determination pursuant to section 504(a) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2312(a)); and

(2) The President has concluded that publication of the said determination in the FEDERAL REGISTER would be harmful to the national security of the United States.

JANUARY 4, 1974.

[SEAL] THOMAS R. PICKERING,  
Executive Secretary.

[FR Doc.74-3019 Filed 2-5-74; 8:45 am]

[Notice 414]

### FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

[Delegation of Authority No. 104-10]

#### Performance of Functions Relative to Part- icipation in the Foreign Service Retirement and Disability System

By virtue of the authority vested in me by section 621 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2381), Executive Order No. 10973 of November 3, 1961 (26 FR 10469), and section 4 of the Act of May 26, 1949, as amended (22 U.S.C. 2658), State Delegation of Authority No. 104 of November 3, 1961 (26 FR 10608), as heretofore amended, is hereby further amended to add the following new subsection 2(e):

"(e) The Administrator shall perform so much of the functions under Title VIII of the Foreign Service Act of 1946 as relates to establishing and maintaining retirement records for personnel participating in the Foreign Service Retirement and Disability System under section 625(k) of the Act and for transferring such records to the Department of State upon the separation, retirement or death of such personnel."

This Delegation of Authority shall be effective immediately.

[SEAL] HENRY A. KISSINGER,  
Secretary of State.

JANUARY 29, 1974.

[FR Doc.74-3018 Filed 2-5-74; 8:45 am]

[Notice 413]

### RENNVILLE COUNTY, NORTH DAKOTA

#### Notice of Application for Presidential Permit

With reference to Executive Order No. 11423 the Secretary of State has received an application from Dome Pipeline Corporation, a subsidiary of Dome Petroleum Corporation of Bismarck, North Dakota, for a permit for the construction, connection, operation and maintenance of two pipelines across the U.S.-Canada boundary at Renville County, North Dakota. The pipelines are to transport light liquid hydrocarbons (e.g., ethane, propane, butane, ethylene, light condensates) between Fort Saskatchewan, Alberta, Canada, through Saskatchewan, North Dakota, Minnesota, Iowa, Illinois and Indiana and existing pipeline facilities in Ohio owned by the applicant.

The applicant has advised that it has received a permit from the U.S. Department of Agriculture for a pipeline crossing of the Cheyenne National Grasslands in North Dakota and that it has applied for permits for several crossings from the U.S. Corps of Engineers. The Forest Service of the U.S. Department of Agriculture made an environmental assessment in connection with its permit. The Corps of Engineers is performing an environmental analysis in connection with the applications for permits it has received.

Public comments on the application are invited. Anyone wishing to review the application and associated documents may do so in Room 6420, Department of State, Washington, D.C.

For the Secretary of State.

Dated January 25, 1974.

DOUGLAS F. BURNS,  
Acting Assistant Legal Adviser  
for Economic and Business Af-  
fairs.

[FR Doc.74-3017 Filed 2-5-74; 8:45 am]



## DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control  
HUMANITARIAN ASSISTANCE TO  
NORTH VIETNAM

## Modification of Licensing Requirements

Notice is hereby given of the following modification in the licensing policies of the Office of Foreign Assets Control with respect to the sending of humanitarian relief assistance to civilians in North Vietnam.

Heretofore, the Office has licensed the sending of medical supplies to these areas for humanitarian relief purposes, provided the assistance was of a type and in an amount designed to fulfill legitimate humanitarian needs. The Office has also required applicants to submit satisfactory assurances that the distribution of such supplies would be witnessed by impartial observers in accordance with traditional relief practice. Applicants have been unable to meet this requirement in most instances because of North Vietnamese refusal to admit impartial observers.

The Office has reconsidered the utility and desirability of this requirement in the current context of humanitarian assistance to North Vietnam, and has decided in this context not to consider such observation to be a general requirement for the issuance of licenses in such cases. However, the possibility of such observation will be considered along with other relevant factors such as the nature and amount of the assistance involved, and the intended end-use, in reaching decisions on applications for licenses of this type.

The unlicensed sending of funds or supplies to these destinations for humanitarian or other purposes whether directly or through a third country, or through an organization in a third country, remains prohibited by the regulations.

[SEAL] STANLEY L. SOMMERFIELD,  
Acting Director,  
Office of Foreign Assets Control.  
[FR Doc.74-3046 Filed 2-5-74;8:45 am]

## Office of the Secretary

[Public Debt. Series—No. 1-74]

6% PERCENT TREASURY NOTES OF  
SERIES C-1977

## Interest Rates

FEBRUARY 4, 1974.

In the matter of Treasury notes Dated and bearing interest from February 15, 1974, due May 15, 1977.

Pursuant to the provision in Sec. I of Department Circular—Public Debt Series—No. 1-74, dated January 31, 1974, the Secretary of the Treasury announced on February 4, 1974, that the interest rate on the notes described in the circular will be 6% percent per annum. Accordingly, the notes are hereby redesignated 6% percent Treasury Notes of Series C-1977. Interest on the notes will

be payable at the rate of 6% percent per annum.

[SEAL] JOHN K. CARLOCK,  
Fiscal Assistant Secretary.  
[FR Doc.74-3096 Filed 2-5-74;8:45 am]

[Public Debt. Series No. 2-74]

7 PERCENT TREASURY NOTES OF  
SERIES A-1981

## Interest Rates

FEBRUARY 4, 1974.

In the matter of Treasury notes dated and bearing interest from February 15, 1974, due February 15, 1981.

Pursuant to the provision in Sec. I of Department Circular—Public Debt Series—No. 2-74, dated January 31, 1974, the Secretary of the Treasury announced on February 4, 1974, that the interest rate on the notes described in the circular will be 7 percent per annum. Accordingly, the notes are hereby redesignated 7 percent Treasury Notes of Series A-1981. Interest on the notes will be payable at the rate of 7 percent per annum.

[SEAL] JOHN K. CARLOCK,  
Fiscal Assistant Secretary.  
[FR Doc.74-3097 Filed 2-5-74;8:45 am]

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

SALT LAKE DISTRICT U-1 & U-2  
GRAZING BOARDS

## Notice of Meeting

Notice is hereby given that the Grazing Boards of Districts U-1 and U-2 of the Salt Lake District will hold a meeting on February 14, 1974 at 9:00 a.m., at the Ramada Inn, 2433 Adams Avenue, Ogden, Utah. This meeting will be on a combined basis except for those matters of concern to a single Board, at which time the Boards will hold concurrent sessions. The agenda for the meeting will include Advisory Board recommendations on winter grazing applications and Sec. 4115.2-3(b) transfers. The Boards will also consider range improvement projects, implementation of matters relating to grazing management contained in the District's completed Management Framework Plans (Rich County, Lakeside-Skull Valley and West Desert).

The meeting will be open to the public. Time will be available for limited comments by members of the public. Those wishing to make an oral statement should inform the Chairman of either Board prior to the meeting of the Board. Any interested person may file a written statement with the joint Boards for their consideration. The Advisory Board Chairman for U-1 is Norman Weston, and for the U-2 Board it is C. Garnett Player. Written statements may be submitted at the meeting or mailed to either Mr. Weston or Mr. Player, c/o District Manager, Bureau of Land Man-

agement, 1750 South Redwood Road, Rm. 214, Salt Lake City, Utah 84104. Further information concerning this meeting may be obtained from the District Manager, Bureau of Land Management, Salt Lake District Office (801) 524-5348. Minutes of the meeting will be available for public inspection thirty days after the meeting at the District Office, 1750 South Redwood Road, Salt Lake City, Utah 84104.

GERALD E. HILLIER,  
Salt Lake District Manager.

[FR Doc.74-3043 Filed 2-5-74;8:45 am]

## DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation  
Service

## BURLEY TOBACCO

## Notice of Referendum

Notice is hereby given that on February 25 to March 1, 1974, each inclusive, a referendum will be held of farmers engaged in the production of the 1973 crop of burley tobacco, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended. Notice was given (38 FR 35485) that consideration would be given to data, views and recommendations on establishing the date or period for holding the referendum and whether the referendum should be conducted at polling places rather than by mail ballot. The data, views and recommendations regarding the referendum have been considered within the limitations permitted by the Act. It is hereby determined that the referendum will be held by mail ballot during the period specified above. The purpose of the referendum is to determine whether the burley tobacco farmers voting favor marketing quotas for the 1974-75, 1975-76 and 1976-77 marketing years. The referendum will be conducted in accordance with the provisions of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas, as amended, Part 717 of this Chapter (33 FR 18345).

Signed at Washington, D.C. on: January 31, 1974.

GLENN A. WEIR,  
Acting Administrator, Agricultural  
Stabilization and Conservation  
Service.

[FR Doc.74-3057 Filed 2-5-74;8:45 am]

CIGAR-FILLER (TYPE 41) AND  
MARYLAND TOBACCO

## Notice of Referendum

Notice is hereby given that on February 25 to March 1, 1974, each inclusive, separate referenda will be held of farmers engaged in the production of the 1973 crop of cigar-filler (type 41) or Maryland tobacco, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended. Notice was given (38 FR 35008) that consideration



would be given to data, views and recommendations on establishing the date or period for holding the referendum and whether the referendum would be conducted at polling places rather than by mail ballot. No data, views, or recommendations regarding the referendum were received pursuant to such notice. It is hereby determined that the referendum will be held by mail ballot during the period specified above. The purpose of each referendum is to determine whether the farmers voting favor marketing quotas for the 1974-75, 1975-76, and 1976-77 marketing years for the respective kinds of tobacco. The referendum will be conducted in accordance with the provisions of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas (33 FR 18345), Part 717 of this chapter.

Signed at Washington, D.C. on January 31, 1974.

GLENN A. WEIR,  
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-3056 Filed 2-5-74; 8:45 am]

#### Forest Service

#### OURAY DISTRICT GRAZING ADVISORY BOARD

##### Notice of Meeting

The Ouray District Grazing Advisory Board will meet at 1:30 p.m., March 4, 1974, at the Shavano Building, 101 North Uncompahgre Avenue, Montrose, Colorado 81401.

The purpose of this meeting is to review and make recommendations concerning the management and administration of the Uncompahgre National Forest grazing lands.

The meeting will be open to the public. Persons who wish to attend should notify Russell Sanburg at (303) 249-5662. Written statements may be filed with the committee before or after the meeting.

JOHN T. MINOW,  
Forest Supervisor.

JANUARY 29, 1974.

[FR Doc.74-2994 Filed 2-5-74; 8:45 am]

#### DEPARTMENT OF COMMERCE

##### National Bureau of Standards

##### VISITING COMMITTEE

##### Notice of Meeting

Pursuant to Pub. L. 92-463 and Executive Order 11686, notice is hereby given that the NBS Visiting Committee will meet in Room 1107, Radio Building, National Bureau of Standards, 325 Broadway, Boulder, Colorado, from 10:00 a.m. to 5:00 p.m. on Thursday, February 21, 1974.

The purpose of the meeting is for the NBS Visiting Committee to review the activities of the National Bureau of Standards and to inspect its laboratories in Boulder, Colorado, in order to report to the Secretary of Commerce concern-

ing the efficiency of the Bureau's scientific work and the condition of its equipment, as required by law.

The NBS Visiting Committee is composed of five members, prominent in the fields of science and technology, appointed by the Secretary of Commerce.

The agenda for the meeting on February 21 will consist of a general briefing on current NBS activities, plus a review of selected laboratories.

A limited number of seats will be available to observers. Persons desiring to attend the meeting are requested to contact Mr. George E. Auman, Assistant to the Director, National Bureau of Standards, Washington, D.C. 20234, telephone (301) 921-2441.

Dated: January 31, 1974.

RICHARD W. ROBERTS,  
Director.

[FR Doc.74-2999 Filed 2-5-74; 8:45 am]

#### National Technical Information Service GOVERNMENT-OWNED INVENTIONS

##### Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Requests for licensing information should be directed to the address cited with each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at \$0.50 each. Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,  
Patent Program Coordinator,  
National Technical Information Service.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 400 7th Street, SW., Washington, DC 20590.

Patent Application 378,510: Rail Gage Apparatus; filed 12 July 1973; PC \$3.00/MF \$1.45.

Patent Application 390,614: Infrared Tire Inspection Technique; filed 22 August 1973; PC \$3.00/MF \$1.45.

Patent Application 407,213: Airport Loop Detector System; filed 17 October 1973; PC \$3.00/MF \$1.45.

Patent Application 411,671: Vehicle Tracking System for Highway Monitoring; filed 1 November 1973; PC \$3.00/MF \$1.45.

Patent Application 413,871: Copy Machine Record System for Cost Control; filed 8 November 1973; PC \$3.00/MF \$1.45.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW., Washington, DC 20240.

Patent Application 385,214: Recovery of Tungsten from Alkaline Brine; filed 2 August 1973; PC \$3.00/MF \$1.45.

Patent 3,332,745: Method of Quantitatively Determining Trace Impurities in Inert Gas Systems; filed 20 December 1963, patented 25 July 1967; Not available NTIS.

Patent 3,632,481: Critical Velocity, Uninterruptedly Flowing Brine in Multistage Distillation System; filed 13 February 1970, patented 4 January 1972; Not available NTIS.

Patent 3,633,099: Process and Apparatus for Determining Crevice Corrosion by Polarization Techniques; filed 30 June 1969, patented 4 January 1972; Not available NTIS.

Patent 3,634,231: Treatment of Sewage Digester Supernatant Liquor; filed 13 May 1970, patented 11 January 1972; Not available NTIS.

Patent 3,635,092: Manually Operated Gas Sampler; filed 12 November 1969, patented 18 January 1972; Not available NTIS.

Patent 3,637,823: Preparation of Caronic Acid from Delta-3-Carene; filed 20 October 1969, patented 25 January 1972; Not available NTIS.

Patent 3,639,925: Recovery of Gold from Carbonaceous Ores; filed 17 November 1970, patented 8 February 1972; Not available NTIS.

Patent 3,640,821: Reductive Degradation of Halogenated Pesticides; filed 23 December 1970, patented 8 February 1972; Not available NTIS.

Patent 3,640,846: Production of Methane by Bacterial Action; filed 29 April 1969, patented 8 February 1972; Not available NTIS.

Patent 3,642,433: process for Extracting Aluminum Compounds from Dawsonite and Dawsonitic Oil Shale; filed 5 August 1968, patented 15 February 1972; Not available NTIS.

Patent 3,642,445: Utilization of Coal-Burning Power Plant By-Products; filed 30 April 1970, patented 15 February 1972; Not available NTIS.

Patent 3,644,202: Collagen Membranes for Reverse Osmosis Desalination; filed 31 March 1970, patented 22 February 1972; Not available NTIS.

Patent 3,649,220: Recovery of Zinc and Nickel from Waste Phosphate Liquor; filed 23 December 1969, patented 14 March 1972; Not available NTIS.

Patent 3,649,377: Process for Improving Creep Resistance of Zinc-Copper Alloys; filed 13 October 1969, patented 14 March 1972; Not available NTIS.

Patent 3,649,470: Hot Brine Seeding Technique To Increase Flashing Efficiencies in Multistage Flash Evaporators; filed 28 January 1970, patented 14 March 1972; Not available NTIS.

Patent 3,660,022: Recovery of Copper; filed 2 March 1971, patented 2 May 1972; Not available NTIS.

Patent 3,662,046: Method of Making Reverse Osmosis Membranes for Desalination of Water; filed 3 June 1970, patented 9 May 1972; Not available NTIS.

Patent 3,663,163: Regeneration of Cation Exchange Resins and Recovery of Salts; filed 18 May 1970, patented 16 May 1972; Not available NTIS.

Patent 3,666,444: Electrowinning of Beryllium; filed 5 December 1968, patented 30 May 1972; Not available NTIS.

Patent 3,671,516: Reverse-Osmosis Membranes; filed 2 March 1971, patented 20 June 1972; Not available NTIS.

Patent 3,725,221: Recovery of Niobium and Tantalum; filed 26 January 1972, patented 3 April 1973; Not available NTIS.

Patent 3,774,771: Reverse Osmosis Module; filed 9 December 1971, patented 27 November 1973; Not available NTIS.



Patent 3,775,091: Induction Melting of Metals in Cold, Self-Lined Crucibles; filed 26 February 1969, patented 27 November 1973; Not available NTIS.

DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217.

Patent 3,619,869: Fiber Aligning Apparatus; filed 2 January 1969, patented 16 November 1971; Not available NTIS.

Patent 3,620,061: Design of Ultrasonic Transducers for Use with Rolling Mill Rolls; filed 3 October 1969, patented 16 November 1971; Not available NTIS.

Patent 3,620,075: Force Gage (Pilot's); filed 22 October 1969, patented 16 November 1971; Not available NTIS.

Patent 3,621,805: Embedment Anchor; filed 2 February 1970, patented 23 November 1971; Not available NTIS.

Patent 3,623,914: Metal Anode Package; filed 19 February 1970, patented 30 November 1971; Not available NTIS.

Patent 3,624,518: Single Pulse Switch Circuit; filed 24 March 1970, patented 30 November 1971; Not available NTIS.

Patent 3,625,066: Water Sampling Apparatus; filed 30 March 1970, patented 7 December 1971; Not available NTIS.

Patent 3,626,626: Shark Dart Electronic Circuit; filed 24 July 1970, patented 14 December 1971; Not available NTIS.

Patent 3,629,340: Synthesis of Perfluoroparacresol, Polyoxyparacresolbenzylene and Related Monomers and Polymers; filed 25 June 1968, patented 21 December 1971; Not available NTIS.

Patent 3,630,413: Device for Manually or Automatically Inflating a Life Preserver; filed 1 April 1970, patented 28 December 1971; Not available NTIS.

Patent 3,639,077: Belt-Driven Pl-Pitch Cycloidal Propeller; filed 23 July 1970, patented 1 February 1972; Not available NTIS.

Patent 3,642,653: Water Displacing Corrosion Preventive; filed 2 January 1969, patented 15 February 1972; Not available NTIS.

Patent 3,642,700: Phenylated Imide-Quinoxaline Copolymers; filed 21 September 1970, patented 15 February 1972; Not available NTIS.

Patent 3,643,329: Explosively Actuated Cutter; filed 17 April 1970, patented 22 February 1972; Not available NTIS.

Patent 3,644,222: Ablative Epoxy Resin Composition and Method of Preparation; filed 31 October 1967, patented 22 February 1972; Not available NTIS.

Patent 3,644,247: Encapsulating Elastomeric Compound; filed 17 August 1970, patented 22 February 1972; Not available NTIS.

Patent 3,645,259: Crewman's Head Positioning and Restraining Device; filed 23 October 1970, patented 29 February 1972; Not available NTIS.

Patent 3,645,794: Disposable Anode Package; filed 19 February 1970, patented 29 February 1972; Not available NTIS.

Patent 3,646,333: Digital Correlator and Integrator; filed 12 December 1969, patented 29 February 1972; Not available NTIS.

Patent 3,646,355: Automatic Power Transfer Switch; filed 19 May 1970, patented 29 February 1972; Not available NTIS.

Patent 3,646,694: Dredging Method Employing Injection and Suction Nozzles; filed 17 December 1969, patented 7 March 1972; Not available NTIS.

Patent 3,647,164: Launch Bar Installation; filed 19 August 1970, patented 7 March 1972; Not available NTIS.

Patent 3,652,485: Aircraft Carrier Deck Coating; filed 13 October 1970, patented 28 March 1972; Not available NTIS.

Patent 3,654,190: Fire Retardant Intumescent Paint; filed 28 May 1970, patented 4 April 1972; Not available NTIS.

Patent 3,655,785: Method of Making Perfluorostyrene; filed 6 November 1969, patented 11 April 1972; Not available NTIS.

Patent 3,656,210: Cable End Fitting; filed 25 September 1970, patented 18 April 1972; Not available NTIS.

Patent 3,656,211: Reciprocally Latched Canopy Release; filed 28 April 1970, patented 18 April 1972; Not available NTIS.

Patent 3,656,838: Method for Making an Optical Filter for a Character Identification System; filed 4 September 1970, patented 18 April 1972; Not available NTIS.

Patent 3,657,580: Magnetically Shielded Electrical Machine With Superconducting Filed Windings; filed 18 January 1971, patented 18 April 1972; Not available NTIS.

Patent 3,658,101: Jet Stream Refueling System; filed 29 May 1968, patented 25 April 1972; Not available NTIS.

Patent 3,658,410: Wide Angle Anamorphic Refractive Lenses; filed 8 February 1971, patented 25 April 1972; Not available NTIS.

Patent 3,659,306: Wiper for Machined Surfaces; filed 22 June 1970, patented 2 May 1972; Not available NTIS.

Patent 3,661,107: Life Support System for Deep Submersible Vehicles; filed 28 December 1970, patented 9 May 1972; Not available NTIS.

Patent 3,661,728: Nickel Plating of Nickel-Copper Printed Circuit Board; filed 31 March 1971, patented 9 May 1972; Not available NTIS.

Patent 3,663,274: Method of Minimizing Accumulation of Electrostatic Charge on Polyethylene; filed 3 June 1970, patented 16 May 1972; Not available NTIS.

Patent 3,663,297: Process for the Preparation of Sintered Zinc Powder Battery Electrodes; filed 24 June 1970, patented 16 May 1972; Not available NTIS.

Patent 3,663,308: Method of Making Ion Implanted Dielectric Enclosures; filed 5 November 1970, patented 16 May 1972; Not available NTIS.

Patent 3,663,925: Electrical Connector; filed 20 May 1970, patented 16 May 1972; Not available NTIS.

Patent 3,663,989: Latch and Hinge Device; filed 5 October 1970, patented 23 May 1972; Not available NTIS.

Patent 3,664,371: Resilient Poppet Valve; filed 23 October 1970, patented 23 May 1972; Not available NTIS.

Patent 3,664,438: Underwater Rock Core Sampling Device and Method of Use Thereof; filed 26 August 1970, patented 23 May 1972; Not available NTIS.

Patent 3,665,151: Apparatus for Preventing Carbon Diffusion in Electric Discharge Sintering; filed 24 July 1969, patented 23 May 1972; Not available NTIS.

Patent 3,665,326: Automatic Threshold Detector with Selectable Percentage of Threshold Crossings; filed 30 March 1970, patented 23 May 1972; Not available NTIS.

Patent 3,665,509: Underwater Electrical Connector; filed 22 March 1971, patented 23 May 1972; Not available NTIS.

Patent 3,666,028: Coring Apparatus for Taking Samples of the Ocean Floor; filed 25 September 1970, patented 30 May 1972; Not available NTIS.

Patent 3,666,895: Film Recorded Velocity and Dynamic Gain Control Mechanism; filed 9 March 1971, patented 30 May 1972; Not available NTIS.

Patent 3,667,553: Telescoping Sea Floor Soil Sampler; filed 14 December 1970, patented 6 June 1972; Not available NTIS.

Patent 3,668,287: Method of Constructing Foamed in Place Building Containing

Heating Wire; filed 29 December 1969, patented 6 June 1972; Not available NTIS.

Patent 3,668,557: Low Frequency Blocking Oscillator; filed 4 September 1970, patented 6 June 1972; Not available NTIS.

Patent 3,668,679: Automated Analyzer of Machine Operation; filed 18 February 1971, patented 6 June 1972; Not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Assistant General Counsel for Patent Matters

NASA—Code GP-2

Washington, DC 20546

Patent Application 401,466: Low Speed Phaselock Speed Control System; filed 27 September 1973, PC \$3.50/MF \$1.45.

Patent Application 401,919: Ultraviolet Light Reflective Coating; filed 28 September 1973, PC \$3.00/MF \$1.45.

Patent Application 402,865: Millimeter Wave Pumped Parametric Amplifier; filed 2 October 1973, PC \$3.00/MF \$1.45.

Patent Application 405,341: Remote Manipulator System; filed 11 October 1973, PC \$3.50/MF \$1.45.

Patent Application 405,342: A Meter for Use in Detecting Tension in Straps Having Predetermined Elastic Characteristics; filed 11 October 1973, PC \$3.00/MF \$1.45.

Patent Application 405,346: Journal Bearings; filed 11 October 1973, PC \$3.00/MF \$1.45.

Patent Application 406,715: Automatic Focus Control for Facsimile Cameras; filed 15 October 1973, PC \$3.00/MF \$1.45.

Patent 3,764,097: Lightweight, Variable Solidity Knitted Parachute Fabric; Patented 9 October 1973; Not available NTIS.

Patent 3,764,790: Technique for Extending the Frequency Range of Digital Dividers; Patented 9 October 1973; Not available NTIS.

Patent 3,764,850: Electron Beam Controller; Patented 9 October 1973; Not available NTIS.

Patent 3,764,933: Controlled Oscillator System with a Time Dependent Output Frequency; Patented 9 October 1973; Not available NTIS.

Patent 3,765,229: Ultrasonic Scanner for Radial and Flat Panels; Patented 16 October 1973; Not available NTIS.

Patent 3,765,958: Method of Heat Treating a Formed Powder Product Material; Patented 16 October 1973; Not available NTIS.

Patent 3,766,315: Method and Apparatus for a Single Channel Digital Communications System; Patented 16 October 1973; Not available NTIS.

Patent 3,767,212: Spiral Groove Seal; Patented 23 October 1973; Not available NTIS.

[FR Doc.74-2869 Filed 2-5-74; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 7937; Docket No. FDC-D-683; NDA 7-937 etc.]

CERTAIN ANTIHISTAMINE DRUGS USED IN ALLERGY

Drug Efficacy Study Implementation; Follow-up Notice; Reevaluation

In a notice (DESI 7937) published in the FEDERAL REGISTER of June 6, 1972 (37 FR 11277), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:



1. **Histonex 50 Capsules**, containing phenyltoloxamine as a cation exchange resin complex of sulfonated polystyrene; Strassenburgh Laboratories, Division Wallace and Tiernan, Inc., 755 Jefferson Road, Rochester, NY 14623 (NDA 10-395).

2. **Pyronil Tablets**, containing pyrobutamine phosphate; formerly marketed by Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 8-305).

3. **Theruhistin Tablets**, containing isothipendyl hydrochloride; Ayerst Laboratories, 685 Third Avenue, New York, NY 10017 (NDA 10-897).

4. **Theruhistin Syrup**, containing isothipendyl hydrochloride; Ayerst Laboratories, Inc. (NDA 11-078).

5. **Neohetramine Hydrochloride Tablets**, containing thonzylamine hydrochloride; Warner-Chilcott Laboratories, Division Warner-Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, NJ 07950 (NDA-937).

The notice stated that these drugs were regarded as possibly effective and lacking substantial evidence of effectiveness for their labeled indications. Based upon further evaluation, the Theruhistin products, Neohetramine Hydrochloride Tablets and Pyronil Tablets are reclassified as effective for the indications described below.

On the basis of a notice published in the FEDERAL REGISTER of December 14, 1973 (38 FR 34481) adding certain currently marketed prescription drug products offered for relief of symptoms of cough, cold, or allergy to the list of drugs which may remain on the market beyond the time limit scheduled for implementation, Histonex 50 Capsules (phenyltoloxamine) may be marketed with such labeling claims pending review of all relevant scientific data for OTC drug products offered for such uses and formulation of a consistent Rx/OTC policy for these drugs.

Accordingly, the effectiveness classification and marketing status for pyrobutamine phosphate tablets, isothipendyl hydrochloride tablets and syrup, and thonzylamine hydrochloride tablets are as follows:

**A. Effectiveness classification.** The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that these drugs:

- (1) Are effective for the indications listed in the labeling conditions below;
- (2) Remain possibly effective for other indications related to the relief of symptoms of cough, cold, or allergy and may continue to be labeled with these indications as provided in the FEDERAL REGISTER of December 14, 1973 (38 FR 34481); and
- (3) Lack substantial evidence of effectiveness for all of their other labeled indications.

**B. Conditions for approval and marketing.** The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under the conditions described herein.

1. **Form of drug.** These preparations are in tablet form suitable for oral administration. Isothipendyl hydrochloride may also be in syrup dosage form.

2. **Labeling conditions.** a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The "Indications" section is as follows:

#### INDICATIONS

Seasonal and perennial allergic rhinitis, and vasomotor rhinitis.

(The possibly effective indications related to relief of symptoms of cough, cold, or allergy may also be included as stated in paragraph A.2. above.)

3. **Marketing status.** Marketing of such drugs may be continued under the conditions described in the notice entitled Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1)(i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

**C. Notice of opportunity for a hearing.** A notice is given to holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto providing for indications lacking substantial evidence of effectiveness referred to in paragraph A.3. of this notice on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may

in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn.

On or before March 8, 1974, the applicant(s) and any other interested person may file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s) which have not been supplemented to delete the indication(s) lacking substantial evidence of effectiveness.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before March 8, 1974, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the labeling claim(s) involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order making findings and conclusions on such data and withdrawing approval of application(s) not supplemental to delete the claim(s) involved.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be



named, and he shall issue, as soon as practicable after March 8, 1974, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

All identical, related, and similar drug products, not the subject of an approved new drug application, are covered by the applications reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

Communications forwarded in response to this announcement should be identified with the reference number DESI 7937, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (Identify with NDA number):  
Office of Scientific Evaluation (HFD-100),  
Bureau of Drugs.  
Original abbreviated new drug applications (Identify as such): Generic Drug Staff (HFD-107), Office of Scientific Evaluation,  
Bureau of Drugs.  
Requests for Academy's report: Drug Efficacy Information Activity (HFD-8), Bureau of Drugs.  
Requests for Hearing (Identify with Docket Number): Hearing Clerk (HFC-20), Room 6-86, Parklawn Building.  
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Manager (HFD-101), Bureau of Drugs.

Received requests for a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday. This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; (21 U.S.C. 352, 355)) and the Administrative Procedure Act (5 U.S.C. 554) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 29, 1974.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 74-2973 Filed 2-5-74; 8:45 am]

## Office of Education COLLEGE LIBRARY RESOURCES PROGRAM

### Closing Date for Receipt of Applications for Basic Grants for Library Materials

Pursuant to the authority contained in Title II, Part A of the Higher Education Act of 1965, as amended (20 U.S.C. 1022-1028), notice is hereby given that the U.S. Commissioner of Education has established a final closing date for receipt of applications for basic grants under section 202 of the Act, college library resources.

Applications for basic grants must be received by the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202 (mailing address: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.406) on or before March 14, 1974.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or in the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

The regulations which govern assistance to institutions of higher education and other eligible library agencies to assist and encourage them in the acquisition of academic library resources are published in 45 CFR Part 131. This program is also subject to the applicable sections of the Office of Education General Provisions Regulations published in the FEDERAL REGISTER on November 6, 1973 at 38 FR 30654.

Application forms, instructions, and other pertinent information will be sent to all institutions which have previously participated in the program. Other institutions desiring to participate in the program may obtain such application forms, instructions, and other information from the Division of Library Programs, Bureau of Post Secondary Education, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202, ATTN: Library Education and Post Secondary Resources Unit.

(20 U.S.C. 1022-1028)

(Catalog of Federal Domestic Assistance Program No. 13.406 College Library Resources.)

Dated: February 1, 1974.

JOHN OTTINA,  
U.S. Commissioner of Education,  
[FR Doc. 74-3069 Filed 2-5-74; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No.-FRA Pet. Nos. 83, 84, Notice 2]

### VOICE TRAIN CONTROL SYSTEM

#### Notice of Hearing Continuation

The Baltimore and Ohio Railroad Company (B&O) has petitioned the Federal Railroad Administration (FRA) to approve the general concept of Voice Train Control Systems (VTCS) and also to approve installation and operation of VTCS on a portion of its lines in central Ohio. These petitions have been docketed as FRA Pet. Nos. 83 and 84, respectively. The January 4, 1974 notice of the initial public hearing on these petitions contained a brief explanation of the VTCS and a description of the territory in which the B&O has proposed to install the system (39 FR 1088).

The initial public hearing on this matter was held on January 22, 1974. At that time it was decided to continue the hearing on March 5, 1974. The FRA believes that this continuation is necessary in order to provide all interested parties an adequate opportunity to express their point of view on this matter. Accordingly, an additional public hearing is hereby set for 10:00 a.m. on March 5, 1974, Room 4234-38, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

The hearing will be an informal one, and will be conducted in accordance with Rule 31 of the FRA rulemaking procedures (49 CFR 211.31), by a representative designated by the FRA. The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The representative of the FRA will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons who wish to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary, for the conduct of the hearing will be announced at the hearing.

Interested persons may also participate in these proceedings by submitting written data, views or comments. Communications should identify the docket and notice numbers, and should be submitted to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. The dockets in



this proceeding will remain open until close of business, March 15, 1974. Communications received before that date will be considered before the FRA acts on these petitions. Comments received after that date will be considered so far as practicable.

These petitions and all comments received will be available for examination by interested persons. The dockets may be examined during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C.

(Sec. 12, 24 Stat. 383, sec. 441, 41 Stat. 498, sec. 6, 80 Stat. 939, 940 (49 U.S.C. 12, 26, 1655) and § 1.49(g) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.49(g)).)

Issued in Washington, D.C. on February 1, 1974.

DONALD W. BENNETT,  
Chief Counsel,  
Federal Railroad Administration.

[FR Doc.74-3001 Filed 2-5-74; 8:45 am]

#### Office of the Secretary

[OST Docket No. 34; Notice No. 74-5]

#### OREGON

#### Emergency Daylight Saving Time Exemption

By notice of January 4, 1974 (39 FR 1525), the Secretary of Transportation granted to the State of Oregon, for that part of Oregon which is in the mountain time zone (northern Malheur County), a temporary exemption from the advanced (daylight saving) time established by section 3(a) of the Emergency Daylight Saving Time Energy Conservation Act of 1973 (December 15, 1973, Pub. L. 93-182, 87 Stat. 708). The exemption was related to the temporary exemption issued to the State of Idaho for that part of Idaho which is in the mountain time zone, and was to expire 2:00 a.m. mountain nonadvanced (standard) time Sunday, February 24, 1974, unless the Governor of Oregon requested an earlier expiration date. Idaho's temporary exemption expires 2:00 a.m. mountain nonadvanced (standard) time Sunday, February 3, 1974. Temporary exemptions were granted to permit the respective State legislatures reasonable opportunity to decide whether these areas should be exempted from advanced time by State law.

The legislature of the State of Idaho has decided not to exempt the mountain zone portion of Idaho and that area will begin observing mountain advanced time on February 3, 1974. In light of this action, the Honorable Tom McCall, Governor of Oregon, has requested that the date for expiration of the exemption granted to Oregon be changed to 2:00 a.m. mountain nonadvanced time Sunday, February 3, 1974.

In consideration of the foregoing, the expiration of the temporary exemption from advanced time granted under the Act to the State of Oregon for that part of Oregon which is in the mountain time zone is changed to 2:00 a.m. mountain

nonadvanced (standard) time Sunday, February 3, 1974.

This action is taken pursuant to section 3(b) of the Emergency Daylight Saving Time Energy Conservation Act of 1973 (December 15, 1973, Pub. L. 93-182, sec. 3(b), 87 Stat. 708); Executive Order 11751 (38 FR 34725); and Part 73 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 73).

Issued in Washington, D.C., on January 31, 1974.

CLAUDE S. BRINEGAR,  
Secretary of Transportation.

[FR Doc.74-2996 Filed 2-5-74; 8:45 am]

#### ATOMIC ENERGY COMMISSION

[Docket Nos. 50-348; 50-364]

#### ALABAMA POWER CO. (JOSEPH M. FARLEY NUCLEAR PLANT, UNITS 1 AND 2)

#### Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

Alan S. Rosenthal, Chairman  
Michael C. Farrar, Member  
Dr. Lawrence R. Quarles, Member

Dated: January 30, 1974.

MARGARET E. DU FLO,  
Secretary to the Appeal Board.

[FR Doc.74-2989 Filed 2-5-74; 8:45 am]

[Docket No. 50-344]

#### PORTLAND GENERAL ELECTRIC CO. (TROJAN NUCLEAR PLANT)

#### Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this proceeding:

Michael C. Farrar, Chairman  
Dr. John H. Buck, Member  
William C. Parler, Member

Dated: January 30, 1974.

MARGARET E. DU FLO,  
Secretary to the Appeal Board.

[FR Doc.74-2988 Filed 2-5-74; 8:45 am]

[Docket Nos. 50-434; 50-435]

#### VIRGINIA ELECTRIC AND POWER CO.

#### Notice and Order for a Special Prehearing Conference

In the matter of Virginia Electric and Power Company (Surry Power Station, Units 3 and 4).

Pursuant to the Atomic Energy Commission's "Notice of Hearing on Applica-

tion for Construction Permits" for this proceeding, and in accordance with § 2.751a of the said Commission's rules of practice, a special prehearing conference will be held in the subject proceeding on March 7, 1974, at 10:00 a.m., local time, in the Circuit Courtroom, Surry County Courthouse, Surry, Virginia 23883.

The special prehearing conference will deal with the following matters:

1. Identification and simplification of the issues;
2. Outstanding petitions for intervention;
3. Establishment of schedules for further action;
4. Need for discovery, and the time required for such discovery;
5. Motions to be addressed to the Atomic Safety and Licensing Board (Board); and
6. Such other matters as may aid in the orderly disposition of the instant proceeding.

The attorneys for the respective parties, including petitioners for intervention, are hereby directed to confer in advance and report to the Board at the time of said conference concerning:

1. Corrections, if any, with respect to any alleged deficiencies in the filings;
2. Prospects of a settlement;
3. Prospects of a stipulation of the matters in controversy.

At the special prehearing conference, the Board will hear oral argument on the outstanding petitions to intervene. The petitioners, as well as the parties, will be permitted to be heard in this regard.

It is so ordered.

Dated at: Washington, D.C., this 1st day of February 1974.

ATOMIC SAFETY AND LICENSING BOARD.

JAMES R. YORE,  
Chairman.

[FR Doc.74-2990 Filed 2-5-74; 8:45 am]

[Docket No. 50-423]

#### MILLSTONE POINT CO.

#### Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing, related to the proposed Millstone Nuclear Power Station Unit No. 3, to be constructed by Millstone Point Company in the town of Waterford, Connecticut is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. The Final Environmental Statement is also being made available at the Office of State Planning, Depart-



ment of Finance and Capitol, 340 Capitol Avenue, Hartford, Connecticut 06115, and the Southeastern Connecticut Regional Planning Agency, 139 Boswell Avenue, Norwich, Connecticut 06360.

The notice of availability of the Draft Environmental Statement for the Millstone Nuclear Power Station Unit No. 3, and requests for comments from interested persons was published in the *FEDERAL REGISTER* on June 26, 1973 (38 FR 16795). The comments received from Federal, State, local, and interested members of the public have been included as appendices to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 30th day of January 1974.

For the Atomic Energy Commission.

GORDON K. DICKER,  
Chief, Environmental Projects  
Branch 2, Directorate of Li-  
censing.

[FR Doc. 74-2885 Filed 2-5-74; 8:45 am]

## REGULATORY GUIDES

### Notice of Issuance and Availability

The Atomic Energy Commission has issued four guides in its Regulatory Guide series. The Regulatory Guide series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 5, "Materials and Plant Protection." Regulatory Guide 5.16, "Standard Methods for Chemical, Mass Spectrometric, Spectrochemical, Nuclear, and Radiochemical Analysis of Nuclear-Grade Plutonium Nitrate Solutions and Plutonium Metal" identifies acceptable methods for chemical, isotopic, and impurity analysis which an applicant may specify as a part of his procedures for accounting for special nuclear material. Regulatory Guide 5.17, "Truck Identification Markings" identifies acceptable methods for marking of road vehicles transporting special nuclear material so that recognition from the air will be enhanced in case of hijacking. The guide adopts the findings of Chapter IV of a Department of Transportation (DOT) study and report entitled "Truck-Top Markings for Visual Identification," DOT P5200.8 as a method generally acceptable for complying with paragraph 73.31(e) of 10 CFR Part 73. Regulatory Guide 5.18, "Limit of Error Concepts and Principles of Calculation

in Nuclear Materials Control," identifies acceptable concepts, principles, and methods for calculating statistical limits of error which licensees may use as a part of their material control and accounting procedures.

Regulatory Guide 5.19, "Methods for the Accountability of Plutonium Nitrate Solutions," identifies acceptable methods and criteria for the sampling, sub-sampling, sample handling, chemical and isotopic analysis, and error analysis for the accountability of plutonium nitrate solutions which an applicant may specify as a part of his procedures for accounting for special nuclear material.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

Other Division 5 Regulatory Guides currently being developed include the following:

- Organization for Materials and Plant Protection.
- Management Review of Materials and Plant Protection Programs and Activities.
- Standards for Physical Barrier Construction.
- Training, Equipping, and Qualifying of Guards and Watchmen.
- Special Nuclear Material Doorway Monitors.
- Road Shipment of Special Nuclear Material by Specially Designed Vehicle with Armed Guards.
- Communication with Transport Vehicles.
- Coordination of Response Plan with Law Enforcement Authority.
- Monitoring Transfers of Special Nuclear Material.
- Selection of Material Balance and Item Control Areas.
- Internal Transfers of Nuclear Material.
- Material Control in Unirradiated Scrap Recovery Facilities.
- Minimizing Nuclear Material Holdup in Wet Processes.
- Minimizing Nuclear Material Holdup in Dry Processes.
- Dynamic Inventory Techniques.
- Assessment of the Assumption of Normality.
- Evaluation of Material Unaccounted For (MUF).
- Evaluation of Shipper and Receiver Data.
- Resolution of Shipper-Receiver Differences.
- Analysis and Use of Production Data for Material Control.
- Emergency Materials Protection Measures.
- Measurement Control Program for Materials Accounting in Nuclear Materials Processing Plants.
- Determination of Random Measurement Errors.
- Determination of Measurement Bias and Systematic Errors.
- Training and Qualifying Measurement Control Personnel.
- Nuclear Material Control Systems for Nuclear Power Plants.

- Methods for the Accountability of Plutonium Oxide Powder.
- Chemical, Nuclear, and Radiochemical Analysis of  $UO_2(NO_3)_2$  Solutions.
- Guide for Mass and Scales Calibration.
- Guide to Mixing and Sampling Nuclear Materials.
- Guide to Making Working Standards from Production Material.
- Radiometric Calibration Techniques.
- Calorimetric Assay of Pu-Bearing Solids.
- Nondestructive Assay of Plutonium Bearing Fuel Rods by Gamma-Ray Spectroscopy.
- Nondestructive Assay of High Enrichment Uranium Fuel Plates.
- Nondestructive Assay of Plutonium Residual Holdup.
- Nondestructive Assay of Plutonium by Spontaneous Fission Coincidence Detection.
- Nondestructive Uranium-235 Enrichment Assay by Gamma-Ray Spectrometry.
- Nondestructive Assay of High-Enriched Uranium Scrap by Active Neutron Interrogation.
- Nondestructive Assay of Uranium Residual Holdup.
- Nondestructive Assay of Plutonium by Gamma-Ray Spectroscopy.
- Specifications for Ge-(Li) Spectroscopy Systems for Material Protection—Part II: Data Reduction.
- Radionuclide Analysis of Specially Prepared Samples by Gamma-Ray Spectroscopy.

(5 U.S.C. 552(a))

Dated at Bethesda, Maryland this 28th day of January, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,  
Director of Regulatory Standards.

[FR Doc. 74-3014 Filed 2-5-74; 8:45 am]

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN NICARAGUA

Entry or Withdrawal From Warehouse for Consumption

JANUARY 31, 1974.

By exchange of notes dated January 9 and January 18, 1974, the Governments of the United States and Nicaragua amended the comprehensive Bilateral Cotton Textile Agreement of September 5, 1972, concerning exports of cotton textiles and cotton textile products from Nicaragua to the United States. Among the provisions of the agreement, as amended, are those establishing specific limits on Categories 9/10 and 22/23 for the agreement year which began on August 1, 1973.

Accordingly, there is published below a letter of January 31, 1974, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textile products in the above categories, produced or manufactured in Nicaragua, which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month period beginning August 1, 1973 and extending through July 31, 1974, be limited to the designated levels. The letter published below and the actions pursuant thereto



are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

**SETH M. BODNER,**  
Chairman, Committee for the  
Implementation of Textile  
Agreements, and Deputy As-  
sistant Secretary for Re-  
sources and Trade Assistance.

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on July 27, 1973 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton textiles and cotton textile products produced or manufactured in Nicaragua.

The first paragraph of the directive of July 27, 1973 is amended, effective as soon as possible, to read as follows:

"Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the Bilateral Cotton Textile Agreement of September 5, 1972 between the Governments of the United States and Nicaragua, and in accordance with procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective August 1, 1973 and for the twelve-month period extending through July 31, 1974, entry into the United States for consumption of cotton textile products in Categories 9/10 and 22/23, produced or manufactured in Nicaragua in excess of the following levels of restraint:

*Twelve-month-levels  
of restraint*

9/10-----  
22/23----- 2,625,000 square yards.

The actions taken with respect to the Government of Nicaragua and with respect to imports of cotton textiles and cotton textile products from Nicaragua, have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions fall with the foreign affairs exception to the rule-making provisions of 553 U.S.C. This letter will be published in the FEDERAL REGISTER.

Sincerely,

**SETH M. BODNER,**  
Chairman, Committee for the Imple-  
mentation of Textile Agreements,  
and Deputy Assistant Secretary for  
Resources and Trade Assistance.

[FR Doc.74-3000 Filed 2-5-74;8:45 am]

## COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SE- VERELY HANDICAPPED

### PROCUREMENT LIST 1974

#### Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the fol-

lowing service to Procurement List 1974, November 29, 1973 (38 FR 33038).

SERVICE  
INDUSTRIAL CLASS 7331

Mailing "overflow" requirements.  
Department of H.E.W.  
Center for Disease Control, Bethesda, Mary-  
land, and  
Health Services Administration and the  
Health Resources Administration, Rock-  
ville, Maryland.

Comments and views regarding these proposed additions may be filed with the Committee not later than March 8, 1974. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

**CHARLES W. FLETCHER,**  
Executive Director.

[FR Doc.74-3040 Filed 2-5-74;8:45 am]

## PROCUREMENT LIST 1974

### Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1974, November 29, 1973 (38 FR 33038).

SERVICE  
INDUSTRIAL CLASS 7349

Janitorial/Custodial  
Fort Ord, California

Comments and views regarding this proposed addition may be filed with the Committee not later than March 8, 1974. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

**CHARLES W. FLETCHER,**  
Executive Director.

[FR Doc.74-3041 Filed 2-5-74;8:45 am]

## PROCUREMENT LIST 1974

### Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1974, November 29, 1973 (38 FR 33038).

COMMODITIES  
CLASS 7920

Squeegee, Floor Cleaning, H.D. 7920-224-8339.

Comments and views regarding this proposed addition may be filed with the Committee not later than March 8, 1974. Communications should be addressed to the Executive Director, Committee for

Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

**CHARLES W. FLETCHER,**  
Executive Director.

[FR Doc.74-3042 Filed 2-5-74;8:45 am]

## CONSUMER PRODUCT SAFETY COMMISSION

### MATTRESS FLAMMABILITY TESTING

#### Use of Additional Sheet Type

In this notice, the Consumer Product Safety Commission approves the use of white, 100 percent cotton muslin sheets as an alternate to white, 100 percent cotton percale sheets for certain tests of mattress flammability.

The Standard for the Flammability of Mattresses, FF-4-72 (37 FR 11362, June 7, 1972), as amended, promulgated under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.), which is administered and enforced by the Consumer Product Safety Commission, provides that one of the measures of mattress flammability will be determined by placing lighted cigarettes between two layers of cotton percale sheets placed on mattress surfaces (paragraph 4(d)(3) of the Standard). Paragraph 4(b)(6), entitled "Sheet selection," specifies the types of sheets to be used in mattress flammability testing as follows:

The sheets shall be white, 100 percent combed cotton percale, not treated with a chemical finish which imparts a characteristic such as permanent press or flame resistance, with 170-200 threads per square inch and fabric weight of  $115 \pm 14$  gm/m<sup>2</sup> ( $3.4 \pm 0.4$  oz/yd<sup>2</sup>), or of another type approved by the Consumer Product Safety Commission. Size of sheet shall be appropriate for the mattress being tested.

A number of requests, both formal and informal, have been received to have the Commission approve alternate types of sheets for mattress flammability testing. The primary reason for requesting alternatives is that sheet manufacturers have drastically reduced their output of all-cotton percale sheets and therefore a permanent testing substitute is needed. The Commission has confirmed the difficulty of obtaining all-cotton percale sheets.

Several different types of sheets have been tested and evaluated to find a type that would provide flammability characteristics closely resembling all-cotton percale sheets. It was found that 100 percent cotton muslin sheets yielded test results comparable to those from 100 percent cotton percale sheets; that is, a lighted cigarette placed between all-cotton muslin sheets caused mattress ignition within a time period comparable to ignition resulting from tests using all-cotton percale. Both all-cotton muslin and all-cotton percale brought mattress



ignition 100 percent of the time and within 15 minutes.

Placing lighted cigarettes between any types of cotton-polyester blend sheets caused mattress ignition after considerably longer time periods, or in some instances, no ignition at all. Thus, their use without other modifications of the Standard would result in lowering the level of protection provided by the Standard.

Accordingly, the Commission approves the following sheets for use in testing under the Standard: White, 100 percent cotton sheets, not treated with a chemical finish which imparts a characteristic such as permanent press or flame resistance, with 120-210 threads per square inch and fabric weight of  $125 \pm 28$  gm/m<sup>2</sup> ( $3.7 \pm 0.8$  oz/yd<sup>2</sup>).

For enforcement purposes, the Commission may test with sheets of 100 percent cotton muslin or 100 percent cotton percale.

All other requirements of the Standard as to sheets remain in effect.

This action is taken pursuant to provisions of the Flammable Fabrics Act (sec. 1 et seq., 67 Stat. 111-15, as amended 81 Stat. 568-74 (15 U.S.C. 1191-1204)); and under authority vested in the Consumer Product Safety Commission by the Consumer Product Safety Act (Pub. L. 92-573, sec. 30(b), 86 Stat. 1231 (15 U.S.C. 2079(b))).

Dated: January 29, 1974.

SADYE E. DUNN,  
Secretary, Consumer Product  
Safety Commission.

[FR Doc. 74-2995 Filed 2-5-74; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

### RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

#### Data To Be Considered In Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its Interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before April 8, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such

claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held on or before April 8, 1974, before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received on or before April 8, 1974, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 8, 1974.

#### APPLICATIONS RECEIVED

EPA File Symbol 407-GAR. Imperial Inc., P.O. Box 423, Shenandoah, Iowa 51601. "Imperial 3 percent Clodrin Livestock Dust." Active Ingredients: Dimethyl Phosphate of Alpha-Methylbenzyl 3-hydroxycis-crotonate 3.0 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11411-R. Leslie's Pool Mart Inc., 7756 Balboa Blvd., Van Nuys, California 91406. "Leslie's Conditioner." Active Ingredient: Cyanuric Acid 100 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 9779-91. Riverside Chemical Company, P.O. Box 16902, Memphis, Tennessee 38116. "5 percent Heptachlor Granules." Active Ingredients: Heptachlor 5.00 percent; Related Compounds 1.85 percent. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: January 30, 1974.

JOHN B. RITCH, Jr.,  
Director, Registration Division.

[FR Doc. 74-2971 Filed 2-5-74; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

### CTAC STEERING COMMITTEE

#### Notice of Meeting

JANUARY 30, 1974.

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Executive Committee on Monday, February 11, 1974, to be held at the FCC Cable Bureau, Conference Room, 6th Floor, 2025 M Street, NW., Washington, D.C., beginning at 10 a.m.

- (1) Report of Executive Committee.
- (2) Report of Office of Executive Secretary.
- (3) Report of Panel Chairmen.
- (4) Recent FCC Activities in Cable TV.
- (5) OTP Report on Cable TV (The Cabinet Committee on Cable Communications).
- (6) Report on CTAC Fund Solicitations.
- (7) Program for Meeting with State Representatives.
- (8) Other Items.
- (9) Future Schedule of Meetings.

Any member of the public may attend or may file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. S. R. Effros, FCC 1919 M Street, NW.,

Washington, D.C., 20554—Telephone 202-632-6468.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc. 74-3007 Filed 2-5-74; 8:45 am]

[FCC 74-82]

## RANKING OF "TOP 50" TELEVISION MARKETS

### Policy on Concentration of Control

JANUARY 30, 1974.

On February 7, 1968, the Commission terminated Docket No. 16068 in its Report and Order, 22 F.C.C. 2d 696. In paragraph 17 of that Report and Order we described our "top 50" policy with respect to concentration of control as follows:

In particular, in light of the special problems concerning the top 50 markets set forth in the notice of proposed rule making herein, we will expect a compelling public interest showing by those seeking to acquire more than three stations (or more than two VHF stations) in those markets.

For the purpose of this policy, the "top 50" markets were ranked on the basis of the American Research Bureau's net weekly circulation of the largest station in the market. We are advised that ARB no longer regularly ranks markets by this measure and we are therefore changing the basis for ranking the top 50 television markets for purposes of the subject policy statement.

Accordingly, for all applications tendered for filing after April 1, 1974, we shall use the ARB market ranking based on prime time households (average quarter-hour audience during prime time, all home stations). This ranking is published annually in the ARB "Television Market Analysis." The ranking that will be used with respect to a particular application will be that appearing in the most recent issue of the "Television Market Analysis" at the time the application is tendered for filing.

Action by the Commission January 30, 1974. Commissioners Burch (Chairman), Lee, Reid, Wiley and Hooks.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc. 74-3009 Filed 2-5-74; 8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. RI73-307]

### ATLANTIC RICHFIELD CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JANUARY 25, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional

<sup>1</sup> See footnote 3 of the notice of proposed rulemaking and Memorandum Opinion and Order in Docket 16068, adopted June 21, 1965, FCC 65-547, 30 FR 8166; and Public Notice, adopted June 21, 1965, FCC 65-548, 30 FR 8173.



sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the

Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Ch. II], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or

by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, which ever is earlier.

By the Commission.

[SEAL]

KENNETH F. PLUMB,  
Secretary.

#### APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
RI73-307	Atlantic Richfield Co.	566	16	Northern Natural Gas Co. (El Dorado Plant, Schleicher County, Tex.) (Permian Basin).	(5)	12-26-73		12-27-73	23.0	35.0	

\* Unless otherwise stated, the pressure base is 14.65 lb/in<sup>2</sup>.

<sup>1</sup> Applicable to sales made pursuant to agreement dated Apr. 20, 1973. (Supplement No. 10).

<sup>2</sup> Prior increase to 35 cents.

<sup>3</sup> Currently no sales.

The proposed rate increase reflects an increase from the applicable area ceiling rate prescribed in Opinion No. 662 up to a previously filed contract rate which was suspended in Docket No. RI73-307 at the time of issuance of the opinion. Atlantic requests that the increase be made effective November 21, 1973, the date the prior increase would have become effective subject to refund. Good cause has not been shown for granting Atlantic's request. The proposed rate is suspended in Docket No. RI73-307 for one day from the date of filing.

[FR Doc.74-2960 Filed 2-5-74; 8:45 am]

[Docket No. RP73-112]

#### ALGONQUIN GAS TRANSMISSION CO. Rate Change; Correction

JANUARY 31, 1974.

In the notice of rate change pursuant to purchased gas cost adjustment provision issued January 24, 1974 and published in the FEDERAL REGISTER January 31, 1974 (39 FR 3999), in the third paragraph, tenth line, change "February 11, 1974" to "February 6, 1974".

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3023 Filed 2-5-74; 8:45 am]

[Docket No. ID-1306]

#### B. HUDSON MILNER Notice of Application

JANUARY 30, 1974.

Take notice that on January 25, 1974, B. Hudson Milner (Applicant) filed a supplemental application pursuant to section 305(b) of the Federal Power Act seeking authority to hold the following additional position:

Vice President, Indiana-Kentucky Electric Corporation ("IKEC"), Public Utility.

By orders dated January 31, 1964 and July 24, 1973 respectively, Applicant was authorized by the Commission to hold the following positions:

President and Director,<sup>1</sup> Louisville Gas and Electric Company, Public Utility.  
President and Director,<sup>1</sup> Ohio Valley Transmission Corporation, Public Utility.  
Director,<sup>2</sup> Ohio Valley Electric Corporation, Public Utility.

Indiana-Kentucky Electric Corporation is a public utility engaged in the generation, transmission and sale of electric energy. Company provides power to its parent, Ohio Valley Electric Corporation, which in turn provides the power requirements of the Atomic Energy Commission at its gaseous diffusion project near Portsmouth, Ohio.

Any person desiring to be heard or to make any protest with reference to said application, should on or before February 28, 1974, file with the Federal Power Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

<sup>1</sup> Applicant authorized to hold these positions by Commission order dated January 31, 1964.

<sup>2</sup> Applicant authorized to hold this position by Commission order dated July 24, 1973.

The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3033 Filed 2-5-74; 8:45 am]

[Docket No. E-8187]

#### BOSTON EDISON CO.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

JANUARY 30, 1974.

On January 25, 1974, Boston Edison Company filed a motion as amended on January 28, 1974, for an extension of the procedural dates fixed by notice issued on December 5, 1974. The motion states that counsel for Staff, the Town of Norwood and New England Power Company are agreeable to the extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Rebuttal Evidence by Boston Edison Company, February 26, 1974.  
Prehearing Conference, March 11, 1974 (10:00 a.m., e.d.t.).  
Hearing, March 19, 1974 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3024 Filed 2-5-74; 8:45 am]

[Docket No. CI74-124]

#### CASTLE, INC.

Notice of Amendment to Application

JANUARY 30, 1974.

Take notice that on January 14, 1974, Castle, Inc. (Applicant), 205 North Main, Butler, Pennsylvania, filed in Docket No. CI74-124 an amendment to the applica-



tion filed on August 17, 1974, in said docket pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas from the LaGloria Field, Jim Wells County, Texas, to Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

Applicant states that due to the litigation<sup>1</sup> involving the LaGloria Field, it appears unlikely that the Commission will be able to act on Applicant's application for abandonment authorization until the litigation is concluded. Under the Court's decision,<sup>2</sup> according to Applicant, Mobil Oil Corporation (Mobil) and other LaGloria Field producers were required to restore deliveries to Transco pending administrative disposition in accordance with said opinion. Applicant states that it has continued to make deliveries to Transco and currently, sales are being made by both Mobil and Applicant on the same contractual basis. Therefore, Applicant requests that the Commission, pursuant to § 154.91(b) of the regulations under the Natural Gas Act (18 CFR 154.91(b)), authorize that Applicant be governed by the filings of Mobil, operator of the LaGloria Field. Applicant also requests that this authorization be granted without prejudice in regard to its application for abandonment.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before February 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests and petitions to intervene need not file again.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3025 Filed 2-5-74;8:45 am]

[Docket No. E-8601]

#### GULF STATES UTILITIES CO.

#### Notice of Interconnection Agreement

JANUARY 30, 1974.

Take notice that on January 21, 1974, Gulf States Utilities Company (Appli-

<sup>1</sup> Hilda B. Wehnert and Jane W. Blumberg, et al., Docket No. G-2730, et al., Opinion No. 655, issued March 21, 1973 (49 FPC ----); rehearing denied April 18, 1973 (49 FPC ----); remanded Transcontinental Gas Pipe Line Corporation, et al. v. FPC, et al., No. 73-1410, et al. (CA DC Nov. 12, 1973), petition for rehearing granted and rehearing denied (Nov. 21, 1973).

cant) tendered for filing with the Federal Power Commission, pursuant to § 35.12 of the regulations under the Federal Power Act, an Interconnection Agreement between Applicant and the City of Plaquemine, Louisiana (City). The Agreement between Applicant and City is dated January 8, 1974. Applicant also filed in conjunction with the aforesaid Agreement a letter agreement between the parties wherein City agrees to sell a stipulated quantity of power to Applicant for the years 1974 and 1975. A further, separate Agreement between the parties relating to interventions and other legal matters was also filed.

The Interconnection Agreement and associated service schedules cover provisions for emergency energy, replacement energy, economy energy supply, surplus power service and transmission service. The filing states that facilities will be installed by Applicant consisting of a 69 kv tap to Applicant's Irion Substation and 69 kv line and install transformer equipment.

The filing states that service under this Agreement is expected to commence on May 1, 1974.

Any person desiring to be heard or to make any protest with reference to said application, should on or before February 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3026 Filed 2-5-74;8:45 am]

[Docket No. CP74-190]

#### FLORIDA GAS TRANSMISSION CO.

#### Notice of Application

JANUARY 30, 1974.

Take notice that on January 18, 1974, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32789, filed in Docket No. CP74-190 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities necessary to establish a new delivery point for the delivery of natural gas to Florida Gas Company (Orlando Division) (FGC) for resale and distribution by FGC in Orange County, Florida, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a line tap with a metering and

regulating station and appurtenances at a point on its existing 6-inch Reedy Creek Lateral pipeline in Orange County. Applicant proposes to deliver up to 2,500,000,000 Btu of natural gas per day to FGC on a firm basis. Applicant states that FGC will use this gas to improve service to its residential and small commercial customers in its Orlando, Florida distribution system. Applicant states further that pursuant to a letter agreement between it and FGC dated September 28, 1973, providing for the establishment of said delivery point, it is expressly provided that the instant facilities will not be used to provide gas for additional industrial service. Applicant states that all gas sold and delivered will come from quantities already available under its existing service agreements with FGC and that no additional volumes will be sold or delivered.

Applicant states that the estimated total overall capital cost of the proposed installation is \$28,000.00 which cost will be borne by FGC.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3027 Filed 2-5-74;8:45 am]



**FLORIDA GAS TRANSMISSION CO. (BORDEN, INC., CHEMICAL DIVISION, SMITH-DOUGLASS)**
**Petition for Temporary and Permanent Extraordinary Relief**
**JANUARY 30, 1974.**

Take notice that on January 22, 1974, Borden, Incorporated, Chemical Division, Smith-Douglass (Borden) filed a petition, pursuant to § 1.7 of the Commission's rules of practice and procedure, for temporary and permanent extraordinary relief in the form of a petition with supporting affidavits. The petition requests that the Commission exempt Borden's Plant City, Florida feed phosphate defluorinating plant from the priority of service provisions set forth in section 9 of the General Terms and Conditions of Florida Gas Transmission Company's (Florida Gas) FPC Gas Tariff, Original Volume No. 1.

In support of its petition for emergency relief, Borden states that it purchases gas for use in two of its Florida facilities for the production of fertilizers and feed grade defluorinated phosphate pursuant to the terms of a contract for direct preferred interruptible service with Florida Gas. Under that contract, Florida Gas supplies up to 30,860,000 therms of gas per year, 107,800 therms per day and 4,500 therms per hour, such volumes being allocated in the maximum daily amounts of 83,800 therms for the Caronet Defluorinating Plant and 24,000 therms for the Teneroc Rock Drying Plant. No relief is sought for the latter plant since it can operate fairly efficiently on alternate fuels. Florida Gas has notified Borden that during 1974 direct sale preferred interruptible customers would be curtailed an aggregate of 177 days, and that commencing in January of that year, Borden would experience an 80 percent curtailment in its contractual volumes.

Borden alleges that Florida Gas' currently effective curtailment plan inter alia does not take into consideration the end-use of gas and is not consistent with the priorities of service set forth in Commission Order No. 467-B issued March 2, 1973.

At its Plant City defluorinating plant Borden produces feed grade defluorinated phosphate which is sold to producers of animal feeds. Adequate supplies of feed phosphorus are asserted to be necessary for feed production in order to preclude a nationwide reduction in the producing of livestock, poultry, and eggs.

According to Borden, alternative fuel capabilities for the defluorinating process are limited. Residual fuel oil, though less efficient, can serve in part as an alternative, but adequate supplies are not available.

Borden states that without sufficient fuel it possibly may have to cease production with severe consequences to the nation's animal feed manufacturers.

Borden requests that the Commission issue an order requiring Florida Gas to supply approximately 1.8 to 2.0 million therms of natural gas per month on a temporary basis, pending such notice and hearing as necessary to render a decision on its request for permanent relief.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before February 8, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules. This filing which was made with the Commission is available for public inspection.

**KENNETH F. PLUMB**  
Secretary.

[FR Doc.74-3028 Filed 2-5-74; 8:45 am]

[Docket No. CS71-179]

**HERMAN GEO. KAISER, ET AL.**  
**Petition for Waiver of Regulations**
**JANUARY 31, 1974.**

Take notice that on January 10, 1974, Herman Geo. Kaiser (Operator), et al. (Petitioner), 4120 East 51st Street, Tulsa, Oklahoma 74315, filed in Docket No. CS71-179 a petition for waiver in part of § 157.40(c) of the regulations under the Natural Gas Act (18 CFR 157.40(c)) so as to permit the sale of natural gas under the small producer certificate issued in said docket from leases acquired from Skelly Oil Company (Skelly), a large producer, all as more fully set forth in the petition for waiver which is on file with the Commission and open to public inspection.

Petitioner states that effective August 1, 1973, Skelly conveyed to Kaiser-Francis Special Account C<sup>1</sup> and Fell and Wolfe Oil Company, both of Tulsa, Oklahoma, all right, title and interest in and to the following producing properties from which sales are authorized to be made in interstate commerce:

<sup>1</sup> A joint venture composed of George B. Kaiser, Francis Oil & Gas, Inc., Don H. Nelson, Renee Neuwald, Adolf Neuwald, Walter Kaiser, Glenn Jackson, Robert R. Scott, and L. W. Pruner.

Skelly Oil Company FPC rate schedule No.	Unit and field	Gas purchaser	Average monthly volume
50	Barker "A", Hugoton Field, Texas County, Okla.	Cities Service Gas Co.	280
50	D. M. Cecil, Hugoton Field, Texas County, Okla.	do	60
50	J. S. Ingle, Hugoton Field, Texas County, Okla.	do	2,000
50	Jones "A", Hugoton Field, Texas County, Okla.	do	600
50	Wilbur Miller, Hugoton Field, Texas County, Okla.	do	280
50	Oklahoma "D", Hugoton Field, Texas County, Okla.	do	900
50	Phillips-Esta, Hugoton Field, Texas County, Okla.	do	225
50	C. M. Reynolds, Hugoton Field, Texas County, Okla.	do	2,150
50	A. E. Sharp, Hugoton Field, Texas County, Okla.	do	2,900
50	C. B. Thrasher, Hugoton Field, Texas County, Okla.	do	80
51	J. Blehm, Hugoton Field, Texas County, Okla.	Kansas-Nebraska Natural Gas Co., Inc.	100
50	E. W. Reitz, Hugoton Field, Texas County, Okla.	Mapco, Inc.	350
100	G. N. Dencker, S. E. Griggs Field, Cimarron County, Okla.	Transwestern Pipeline Co.	625

Section 157.40(c) provides in part that sales may not be made pursuant to a small producer certificate from reserves acquired by a small producer by purchase of developed reserves in place from a large producer. Petitioner states that due to the fact that these properties are marginal with the majority being salvage properties and properties with minimal reserves and with interests ranging down to less than three percent, one cannot justify the time, paper work, and expense required to make separate certificate succession filings and any required subsequent filings with the Commission.

Petitioner states further that should the waiver be denied, he and other interest holders would sustain economic hardship and in all probability would be forced to plug and abandon one or more of the wells. Petitioner states that the individuals and Fell and Wolfe Oil Company have consented to have sales from their interests and the subject properties made under his small producer authorization conditioned to the applicable area ceiling rates.

Any person desiring to be heard or to make any protest with reference to said



petition should on or before February 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3030 Filed 2-5-74;8:45 am]

[Docket No. E-8055]

# IDAHO POWER CO.

## Order Approving Rate Settlement

JANUARY 31, 1974.

On October 9, 1973, as supplemented on November 9, 1973, Idaho Power Company and California-Pacific Utilities Company submitted in this docket a joint stipulation and offer of settlement consisting of a new contract governing the sale of electric energy by Idaho to California-Pacific to be effective January 1, 1974. The settlement agreement, if approved, would resolve all issues in this proceeding, and would result in annual revenues to Idaho of \$2,783,596 as compared with \$2,873,295 originally requested, based on sales for test year 1972. No party has expressed opposition to the settlement.

On February 28, 1973, Idaho filed herein a proposed rate increase applicable to the sale of electric energy at wholesale to California-Pacific. On June 22, 1973, Idaho's proposed increase was suspended until September 30, 1973, and was permitted to become effective thereafter subject to refund of all amounts ultimately found by the Commission after hearing not to be justified.

Prior to the convening of formal rate hearings, Idaho and California-Pacific reached agreement on a new contract governing the wholesale service at issue. The new contract is incorporated in the proposed settlement agreement now before us. Public notice of the filing of the settlement agreement was issued on November 26, 1973, providing for comments thereon to be filed on or before December 21, 1973. On December 20, 1973, the staff filed its comments recommending that the settlement be approved and adopted. Comments were also received from the Oregon Department of Justice stating that Oregon Public Utility Commissioner has no objection to the settlement.

The staff's cost of service analysis indicates that Idaho will realize an overall rate of return of 6.77 percent and a return on common equity of 9.21 percent on its sales to California-Pacific at the rates set forth in the settlement contract.

The staff's cost of service, revenue, and rate of return studies are adopted and are attached hereto as Appendix A. The returns thus to be earned by Idaho do not appear excessive and are therefore approved.

Based on our review of the record in this proceeding, including the filings made by Idaho, the settlement agreement, and the comments of the parties, we find that the rates and other terms and provisions of the settlement contract are reasonable, that the settlement contract represents a reasonable resolution of the issues in this proceeding in the public interest, and that accordingly the settlement agreement should and will be approved and adopted.

The Commission orders:

(A) The settlement agreement filed herein on October 9, 1973, as supplemented on November 9, 1973, is hereby approved and made effective as of January 1, 1974, as requested.

(B) Within 30 days from the date of this order, Idaho shall file its contract with California-Pacific as a Rate Schedule in accordance with the Commission's regulations and the terms of this order.

(C) Upon the filing by Idaho as required by Paragraph (B) above, this proceeding shall be deemed terminated.

(D) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by

the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Idaho or any other person or party.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL]

KENNETH F. PLUMB,  
Secretary.

IDAHO POWER COMPANY, DOCKET NO. E-8055—  
COST, REVENUE, AND RETURN ANALYSIS,  
TEST YEAR 1972

1. Expenses (including depreciation and taxes other than income)	\$1,321,750
2. Income Taxes <sup>1</sup>	401,709
3. Total Costs exclusive of return	1,723,459
4. Settlement Revenues	2,783,596
5. Less total costs (line 3)	1,723,459
6. Return	1,060,137
7. Rate Base	15,666,637
8. Rate of Return earned at settlement Rates (\$1,060,137 ÷ 15,666,637)	6.77%

<sup>1</sup> Adjusted for earned settlement return of 6.77 percent.

Capitalization as of September 30, 1972, as adjusted for known changes in 1973

	Amounts	Ratios	Component return	Weighted component cost
		Percent	Percent	Percent
Long-term debt	\$279,772,000	56.22	5.43	3.053
Preferred stock	36,500,000	7.33	5.55	.407
Deferred Federal income taxes	2,559,600	.51	0.00	0.000
Common equity	178,837,500	35.94	9.21	3.31
Total capitalization	497,669,100	100.00		6.77

[FR Doc.74-3029 Filed 2-5-74;8:45 am]

[Docket No. CI74-377]

# MARATHON OIL CO.

## Notice of Application

JANUARY 30, 1974.

Take notice that on January 16, 1974, Marathon Oil Company (Applicant) 539 South Main Street, Findlay, Ohio 45840, filed in Docket No. CI74-377 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience authorizing the sale for resale and delivery of natural gas interstate to Arkansas Louisiana Gas Company (Arkla) from the Haynesville Field Claiborne Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas to Arkla from the subject acreage on January 12, 1974, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of

the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell an estimated 30,000 Mcf of gas per month at 45.0 cents per Mcf at 15,025 psia, subject to upward and downward Btu adjustment.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.



Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3032 Filed 2-5-74; 8:45 am]

[Docket No. E-8598]

# PENNSYLVANIA ELECTRIC CO.

## Filing of Proposed Initial Rate Schedule

JANUARY 30, 1974.

Take notice that on January 17, 1973, Pennsylvania Electric Company (Penelec) filed in Docket No. E-8598 as an initial rate schedule a service agreement dated April 24, 1973, between Penelec and West Penn Power Company, for the purchase of electricity by West Penn from Penelec for resale by West Penn.

Penelec states that total charges in the initial year of service are estimated to be \$39,407. Penelec requests that its proposed rate schedule be permitted to become effective as of the date of commencement of the service to West Penn under the subject agreement. This date is estimated to be in Mid-February, 1974. Penelec states it will advise the Commission of the exact date when it becomes known.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before February 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Penelec's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3031 Filed 2-5-74; 8:45 am]

[Docket No. C174-372]

# SHELL OIL CO.

## Notice of Application

JANUARY 30, 1974.

Take notice that on January 14, 1974, Shell Oil Company (Applicant), One Shell Plaza, Houston, Texas 77001, filed in Docket No. C174-372 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Natural Gas Pipeline Company of America (Natural) and delivery of said gas for Natural's account to Stingray Pipeline Company (Stingray) from Vermilion Block 321 Field, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell gas to Natural at an initial price of 43.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment and an estimated 2.0 cent per Mcf deduction for the transportation of liquefiable hydrocarbons, pursuant to a contract dated September 1, 1973. Applicant estimates monthly sales of gas at 456,000 Mcf. Applicant plans to deliver this gas for Natural's account to Stingray, if Stingray's application for a certificate of public convenience and necessity authorizing the construction of certain natural gas facilities in Docket No. CP73-27 et al., is granted by the Commission.

In support of its proposed price, Applicant states the following:

1. In Commission Opinion No. 659-A, *Belco Petroleum Corp., et al.*, Docket No. C173-293, et al., issued July 20, 1973 (50 FPC -----), the 1971 average cost of producing gas was observed to be 48.0 cents per Mcf;
2. In Commission Opinion No. 639, *Areas Rates for the Appalachian and Illinois Basin Areas*, Docket No. R-371, issued December 12, 1972 (48 FPC -----), the cost of finding new gas was estimated to be in the range of 35.0 cents to 41.0 cents per Mcf;
3. In Commission Opinion No. 622, *Area Rate Proceeding (Permian Basin Area II)*, Docket No. AR70-1 (Phase I), issued August 7, 1973 (50 FPC -----), the cost of new gas in the Permian Basin Area was established at 35.0 cents per Mcf;
4. In the Commission's Notice of Proposed Rule Making and Order Prescribing Procedures, issued April 14, 1973, in Docket No. R-389-B (38 FR 10014), Appendix B sets forth a current cost of producing gas within the range of 34.68 cents per Mcf to 38.46 cents per Mcf;
5. Natural is in a curtailment position;
6. This instant proposal will result in a new supply of gas to help alleviate Natural's curtailment position;
7. The intrastate onshore Louisiana market is now paying 60.0 cents per Mcf for gas;
8. The Commission has approved limited-term sales of gas at prices up to 50.0 cents per Mcf;
9. The estimated cost of supplemental gas supplies to Natural is from 92 cents to \$1.32 per Mcf; and
10. The proposed sale will result in a new supply of gas to Natural at the lowest rates available.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3034 Filed 2-5-74; 8:45 am]

[Docket No. CP74-102]

# TEXAS EASTERN TRANSMISSION CORP.

## Amendment to Application

JANUARY 30, 1974.

Take notice that on January 15, 1974, Texas Eastern Transmission Corporation (Applicant) filed in Docket No. CP74-102 an amendment to its application in said docket pursuant to section 7(c) of the Natural Gas Act requesting authorization to construct and operate additional offshore facilities for the purchase and transportation of natural gas in interstate commerce, all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

In its original application in Docket No. CP74-102, Applicant proposes to construct various offshore natural gas facilities over a two-year period costing approximately \$64,259,000.<sup>1</sup> Applicant

<sup>1</sup> Applicant's original application proposes the construction of one 79.0 mile 24-inch pipeline and a 47.0 mile 24-inch pipeline.



now requests authorization to construct also 4.0 miles of 12-inch pipeline extending from Block 333, Eugene Island Area, South Addition, offshore Louisiana, to a point approximately 20.6 miles downstream of the terminus, in Block 349, of Applicant's proposed 24-inch pipeline from Block 349, Eugene Island Area, to Block 286, East Cameron Area. Applicant estimates that the cost of these additional facilities will total approximately \$3,386,000, bringing the entire project to an estimated \$67,645,000.

Applicant states that construction of the aforesaid 4.0 miles of pipeline will:

(1) Enable it to accept deliveries of gas from Mesa Petroleum Company (Mesa) in Block 333, estimated to be 15,000 to 25,000 Mcf per day;

(2) Further assist Applicant in alleviating the critical gas supply shortage on its system and in fulfilling its commitments to its customers by allowing it to attach needed gas reserves to its system;

(3) Place Applicant in an advantageous position to negotiate with successful lease bidders for the purchase of gas from leases in Blocks 312, 313, 332 and 334, adjacent to Block 333, which will be offered for bids in March 1974; and

(4) Result in an early commencement date for the recovery of advance payments made by Applicant to Mesa for a call on Mesa's Block 333 gas production.

Applicant further states that there are presently other uncommitted interests in Block 333 which if committed to Applicant would result in estimated deliveries of gas as high as 90,000 Mcf per day. The amendment asserts that Applicant is negotiating with these interests for the sale of their shares of gas in Block 333.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before February 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed petitions to intervene or protests need not file again.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3035 Filed 2-5-74; 8:45 am]

[Docket Nos. RP74-39-5 and RP74-39-6]  
TEXAS EASTERN TRANSMISSION CORP.

Miscellaneous Proceedings

JANUARY 31, 1974.

In the matter of Texas Eastern Transmission Corp. (Town of Smyrna, Tennessee), Texas Eastern Transmis-

sion Corp. (United Cities Gas Company, Respondent); order granting temporary relief, instituting show cause proceeding, naming respondent, consolidating proceedings, setting proceedings for hearing, and establishing procedures.

On December 28, 1973, the town of Smyrna, Tennessee (Smyrna) filed in Docket No. RP74-39-5 a petition for emergency relief pursuant to § 1.7 of the Commission's rules of practice and procedure. Smyrna requests that the Commission order its sole supplier of natural gas, Texas Eastern Transmission Corporation (TETCO), to increase its Annual Quantity Entitlement (AQE) by 277,375 Mcf so that Smyrna will have sufficient gas on an annual basis to serve the Sewart Air Force Base Area (Sewart).

Sewart Air Force Base, which is located within the corporate limits of Smyrna, was deactivated by the Federal Government in 1970. Following the deactivation, in 1970, Smyrna assumed operation of the gas distribution facilities serving Sewart, which are wholly segregated from the Town's other facilities. Smyrna purchased gas from Tennessee Gas Pipeline Company (TGP) a subsidiary of United Cities Gas Company (United Cities) to supply Sewart, hoping to develop the area for commercial and/or industrial use. TGP obtained all of the gas it sold for use at Sewart from United Cities which in turn bought all of its gas from TETCO. Effective November 1, 1973, pursuant to a settlement agreement approved by the Commission in Docket No. RP72-102, Smyrna's Maximum Daily Quantity (MDQ) was increased by 1600 Mcf to reflect that it began to purchase gas directly from TETCO for service to Sewart. United Cities' MDQ was reduced by the same amount. No corresponding adjustments were made to the AQEs of Smyrna or United Cities.

The annual quantity entitlement is a volumetric limit on the annual take of each customer of TETCO. The present AQEs were established by settlement negotiations between TETCO and its customers during the summer of 1972 in Docket Nos. RP71-130 and RP72-58 proceedings and were based on historical deliveries to the customers. AQEs have carried over to TETCO's presently effective curtailment plan now the subject of formal hearings in Docket Nos. RP71-130 and RP72-58. Any volumes taken in excess of a customer's AQE is charged at the penalty rate of \$3.00 per Mcf.

As previously stated Smyrna's AQE was not increased above its present level of 156,828 Mcf to reflect the fact that it assumed service to Sewart in 1973. At the same time United Cities AQE remains at the same level as when that company served Sewart. The presently connected load which Smyrna is serving at Sewart is 131,675 Mcf per year. TETCO is subtracting this load as well as the volumes taken by the Town for its Municipal system from Smyrna's AQE.

Smyrna alleges that the above practice by TETCO is discriminatory and unlawful under the terms of TETCO's tariff.

Smyrna states that, because of TETCO's treatment of the problem, its AQE for the twelve months ending August 31, 1974, will be exhausted prior to the end of January, 1974, and that it will then be forced to curtail high priority loads or to pay the \$3.00 per Mcf penalty charge for the remainder of its contract year. The Town estimates that these charges would amount to \$468,273, a sum which it alleges would bankrupt its gas system.

Smyrna requests the Commission to order TETCO to increase its AQE by 277,375 Mcf, an amount which it states it needs to meet its present town requirements plus the requirements of serving the Sewart area which latter requirements Smyrna calculates as follows:

	Mcf
Presently connected load.....	131,675
Customers committed.....	85,700
Available vacant buildings.....	60,000
Total .....	277,375

The Town takes the position that it does not consider these volumes to be new loads but merely the resumption of service to existing buildings served prior to the deactivation of Sewart.

Under the circumstances, Smyrna's request for relief should be granted on a temporary basis pending hearing and decision. However, the temporary grant should be limited to 131,675 Mcf, the volume required to serve presently connected load at Sewart. We will determine at the hearing to what extent, if any, such relief should be given and whether the grant should be on a permanent basis.

Based on the allegations contained in Smyrna's petition, good cause has been shown to institute a proceeding requiring TETCO to show cause why the AQE of United Cities should not be reduced to reflect termination of service to Sewart by United Cities. United Cities will be named as a respondent in this proceeding for the limited purpose of notice and opportunity for participation in the hearing since it may be adversely affected if its AQE is required to be reduced.

The show cause proceeding should be consolidated with the proceeding involving Smyrna's petition for purposes of hearing and decision inasmuch as the proceedings involve common questions of law and fact.

Public notice of Smyrna's petition was given on January 15, 1974, with protests or petitions to intervene due on January 23, 1974. None have yet been received. However, we will permit additional time to be given to interested parties wishing to file protests or petitions to intervene in this consolidated proceeding in order to afford all who may have an interest to participate.

The Commission finds:

(1) The grant of Smyrna's petition filed December 28, 1973, as hereinafter ordered, is in the public interest and is consistent with the purposes of the Natural Gas Act.

(2) Good cause exists to institute proceedings in Docket No. RP74-39-6 requiring TETCO to show cause why it should not reduce the AQE of United



[Docket No. RP74-48]

TRANSCONTINENTAL GAS PIPELINE  
CORP.Order Accepting for Filing and Suspending  
Proposed Tariff Sheets, and Establishing  
Hearing Procedures

JANUARY 31, 1974.

On December 17, 1973, Transcontinental Gas Pipe Line Corporation (Transco) tendered proposed revisions in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2.<sup>1</sup> The Company states that the proposed increase affects rates for all sales, transportation and storage services except for liquefied natural gas storage services. The company estimates a resulting increase in jurisdictional revenues of approximately \$51,300,000 annually, based on a base period ending August 31, 1973 as adjusted for known and measurable changes through May 31, 1974.

Transco claims that the proposed increase in rates is necessary because of an increase in cost of operations due to a declining gas supply; a needed increase in the depreciation rate to 5 percent; a change from flow through accounting to normalized accounting; and an increase in the allowed rate of return to 9.5 percent to compensate for the higher cost of capital to the company.

Transco also tendered pro forma tariff sheets which would enable the company to track changes in the cost of storage service purchased from other pipeline suppliers. In support of these sheets, Transco asserts that such cost increases have been tracked by the company as previously allowed by the Commission. Transco now claims that approval of these sheets would remove the necessity of Commission approval in each instance of a storage cost increase to the company. These sheets, according to the company, would become effective upon final approval by the Commission rather than the February 1, 1974, effective date proposed for the general rate increase.

Notice of the proposed filing was issued on December 28, 1973, with the due date for all comments and petitions to intervene set as January 18, 1974. Numerous petitions to intervene have been filed.<sup>2</sup>

Our review of the filing and the issues raised therein indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We shall therefore order a suspension of the rates proposed herein for the full statutory period and establish hearing procedures into their justness and reasonableness.

In Opinion No. 671, United Gas Pipe Line Company<sup>3</sup> we stated that in future cases it may be necessary to establish pipeline rates for resale for industrial use more in line with the costs of competitive fuel. With regard to this policy

we note that Transco's proposed rates reflect unmodified Seaboard<sup>4</sup> costs. In the hearing ordered herein the parties should address themselves to the propriety of reflecting in the commodity rate levels the inclusion of less than 75 percent of Seaboard fixed costs as prescribed in the cost formula enunciated in the United opinion.

Additionally, we have previously stated that conjunctive billing procedures might be inconsistent with our policies in determining appropriate rates.<sup>5</sup> Accordingly, we believe that the issue of the conjunctive billing procedures of Transco should be fully explored and developed within the evidentiary hearing. To permit full discussion of these issues we shall provide dates for the service of evidence by all parties on this question as well as all other issues pertinent in this docket.

## The Commission finds:

(1) The proposed changes in Transco's FPC Gas Tariff, as shown in Appendix A hereto, should be accepted for filing, suspended, and the use thereof deferred until July 1, 1974.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges in Transco's FPC Gas Tariff, as proposed to be amended in this docket.

(3) Good cause exists to permit the intervention of the petitioners designated in Appendix B.

(4) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

## The Commission orders:

(A) Pending hearing and decision thereon, the proposed tariff sheets as shown in Appendix A, are accepted for filing and suspended for the full statutory term and the use thereof deferred until July 1, 1974, or until such time as they are made effective in the manner provided in the Natural Gas Act.

(B) Pursuant to authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules and regulations (18 CFR, Chapter I), a pre-hearing conference shall be held pursuant to § 1.18 of the Commission's rules of practice and procedure on June 17, 1974, at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. A hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the rates and charges in Transco's Gas Tariff, as proposed to be amended herein shall be held commencing on June 24, 1974.

(C) On or before April 1, 1974, Transco shall file its direct testimony on the con-

October 31, 1973.

<sup>4</sup> Atlantic Seaboard, et al., 11 FPC 43 (1952).<sup>5</sup> El Paso Natural Gas Company, Docket Nos. RP71-137 and RP72-151, issued November 7, 1972; Texas Eastern Transmission Company, Docket No. RP72-98, issued June 28, 1973; Columbia Gas Transmission Corporation, et al., Docket No. RP73-86 et al., issued November 23, 1973.

Cities Gas Company, and to name United Cities as a respondent in the show cause proceeding, as hereinafter ordered.

(3) Good cause exists to consolidate the proceedings in Docket Nos. RP74-39-5 and RP74-39-6 for the purposes of hearing and decision.

(4) Good cause exists to set the proceedings in this consolidated docket for hearing and to establish the procedures for that hearing as hereinafter ordered.

## The Commission orders:

(A) TETCO shall, immediately upon the issuance of this order, increase Smyrna's AQE by 131,675 Mcf on a temporary basis pending hearing and decision on the merits of Smyrna's petition.

(B) TETCO is hereby ordered pursuant to Section 1.6 of the Commission's rules of practice and procedure to be present at the hearing convened in ordering paragraph (D) below and to show cause therein why the AQE of United Cities should not be reduced to reflect that Company's termination of service to Sewart. Answers to this order to show cause are hereby waived and responses thereto are here disallowed.

(C) United Cities is hereby made a respondent in the Docket No. RP74-39-6 proceeding for the limited purpose of notice and opportunity for participation in the hearing.

(D) The proceedings in Docket Nos. RP74-39-5 and RP74-39-6 are hereby consolidated for the purposes of hearing and decision.

(E) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on February 19, 1974, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the issues involved in the Smyrna petition and in the show cause proceeding hereby instituted in Docket No. RP74-39-6.

(F) On or before February 12, 1974, Smyrna, TETCO and United Cities, shall serve with the Commission and upon all other parties to the consolidated proceeding, including Commission Staff, their testimony and exhibits in support of their position.

(G) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose, shall preside at the hearing in this consolidated proceeding and shall prescribe relevant procedural matters not herein provided.

(H) Any interested party wishing to participate in these consolidated proceedings may file a protest or petition to intervene in conformity with the requirements of §§ 1.8 or 1.10 of the Commission's rules of practice and procedure on or before February 7, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-3022 Filed 2-5-74; 8:45 am]

<sup>1</sup> See Appendix A.<sup>2</sup> See Appendix B.<sup>3</sup> Docket No. RP72-75 (Phase II), issued



junctive billing issue. The Commission Staff shall file its direct testimony and exhibits on all issues on or before May 15, 1974. Any intervenor evidence on all issues will be filed on or before May 29, 1974. Any rebuttal evidence by Transco shall be filed on or before June 12, 1974.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see delegation of authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(E) The parties designated in Appendix B are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further*, That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

#### APPENDIX A

##### FIRST REVISED VOLUME NO. 1

Seventh Revised Sheet No. 5.  
Fifth Revised Sheet No. 6.

##### ORIGINAL VOLUME NO. 2

Thirteenth Revised Sheet No. 52.  
Ninth Revised Sheet No. 321.  
Fifth Revised Sheet No. 416.  
Fourth Revised Sheet No. 495.  
Second Revised Sheet No. 351.

#### APPENDIX B

##### NOTICES OF INTERVENTION

Public Service Commission of New York.

##### PETITIONS TO INTERVENE

Sun Oil Company.  
Rochester Gas and Electric Corporation.  
United Cities Gas Company.  
Columbia Gas Transmission Corporation.  
United Natural Gas Company.  
Elizabethtown Gas Company.  
Gas Section, Georgia Municipal Association.  
Washington Gas Light Company.  
Philadelphia Electric Company.  
Philadelphia Gas Works.  
Brooklyn Union Gas Company.  
Consolidated Edison Company of New York, Inc.  
Commonwealth Natural Gas Corporation.  
North Penn Gas Company.  
The Commissioners of Public Works of the City of Greenwood, South Carolina.

[FR Doc.74-3036 Filed 2-5-74; 8:45 am]

[Docket No. CI74-374]

## TUCKER DRILLING CO., INC. ET AL.

### Notice of Application

JANUARY 30, 1974.

Take notice that on January 14, 1974, Tucker Drilling Company, Inc. (Operator) et al. (Applicant), P.O. Box 1876, San Angelo, Texas 76901, filed in Docket No. CI74-374 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company (Northern) from the Page Ranch Field, Schleicher County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas to Northern from the subject acreage on November 21, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for three years from the end of the 180-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell an estimated 16,275 Mcf of gas per month at an initial rate of 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, with a 1.0 cent escalation during each of the second and third contract years.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3037 Filed 2-5-74; 8:45 am]

## FEDERAL RESERVE SYSTEM

### AMERIBANC, INC.

#### Order Approving Acquisition of Bank

Ameribanc, Inc., St. Joseph, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 91 percent or more of the voting shares of Marceline State Bank ("Bank"), Marceline, Missouri.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fifteenth largest banking organization in Missouri, controls two banks with aggregate deposits of approximately \$116 million, representing less than 1 percent of the total deposits in commercial banks in the State.<sup>1</sup> The proposed acquisition of Bank would increase Applicant's share of State deposits only slightly and would not alter Applicant's ranking among the State's banking organizations. Moreover, consummation of the proposal would not significantly affect the concentration of banking resources in Missouri.

Bank (\$7.2 million in deposits) is the fourth largest of nine commercial banks in the relevant banking market (approximated by portions of Chariton, Linn and Macon Counties) and holds approximately 9 percent of the deposits in the market. Each of Applicant's banking subsidiaries is located in St. Joseph approximately 110 miles from Bank. It appears that no meaningful competition between Bank and Applicant's subsidiary banks would be eliminated as a result of the proposed acquisition. Furthermore, on the basis of the facts of record, particularly the distances separating Bank and Applicant's subsidiary banks and Missouri's branching laws, it does not appear that any significant potential competition would develop between Applicant and Bank. In addition, the Marceline area has experienced a decline in population and economic activity in recent

<sup>1</sup> All banking data are as of June 30, 1973, and reflect all bank holding company formations and acquisitions approved through December 31, 1973.



years, and, in view of such factors, it appears unlikely that Applicant would enter the market by establishing a de novo bank. On the basis of the foregoing, the Board concludes that consummation of the proposal would not have significantly adverse effects on competition in any relevant area.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are considered generally satisfactory. While Applicant would incur some debt in financing the purchase of Bank, Applicant has adopted a timely debt retirement plan which appears capable of implementation without impairing the capital position of Applicant's subsidiaries. Moreover, Applicant has committed itself to maintaining the capital of its subsidiary banks at acceptable levels. On this basis, the Board regards the banking factors as being consistent with approval of the application.

Although there is no evidence in the record to indicate that the major banking needs of the residents of the Marcelline area are not currently being met, the proposed affiliation would enable Bank to expand to some extent the range of services presently offered. Considerations relating to the convenience and needs of the community to be served, therefore, are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,<sup>2</sup> effective January 29, 1974.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc. 74-2981 Filed 2-5-74; 8:45 am]

#### BARNETT BANKS OF FLORIDA, INC.

##### Order Approving Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under Section 3(a) (3) of the Act (12 U.S.C. 1842(a) (3)) to acquire 80 percent or more of The Bayshore State Bank, Bayshore Gardens (P.O. Bradenton), Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given

in accordance with Section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 49 banks with aggregate deposits of \$1.6 billion, representing approximately 8 percent of the State's total deposits.<sup>1</sup> Acquisition by Applicant of Bank would appear to have no significant effect on Statewide concentration.

Bank (deposits of \$17.2 million) is the sixth largest of seven banking organizations in the Manatee County banking market (the relevant market). It holds approximately 5 percent of the total commercial deposits in the market; the top three banking organizations hold, combined, 74 percent of such deposits. Applicant's nearest subsidiary bank is located 28 miles distant in St. Petersburg and no competition exists between this subsidiary or any of Applicant's other banking subsidiaries and Bank. Moreover, there is little likelihood that competition would develop in the future inasmuch as two new banks have recently been established in the market and three charter applications have been approved. It is the Board's judgment that consummation of the proposed acquisition would not have any adverse effect upon existing or future competition.

The financial condition and managerial resources of Applicant and its subsidiary banks are satisfactory and consistent with approval. Bank's financial and managerial resources will be satisfactory in view of Applicant's commitment to inject additional equity capital into Bank.

There is no evidence that the banking needs of the communities to be served are not being adequately met. Nevertheless, consummation of the proposal will permit Applicant to revitalize Bank's lending policies, increase Bank's capital, provide investment advice, establish trust services, and reevaluate Bank's service charges on checking accounts. Thus, considerations relating to the convenience and needs of the communities to be served lend weight toward approval. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

<sup>1</sup> All banking data are as of June 30, 1973 and reflect all bank holding company formations and acquisitions approved by the Board through June 30, 1973.

By order of the Board of Governors,<sup>2</sup> effective January 29, 1974.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc. 74-2982 Filed 2-5-74; 8:45 am]

#### CENTRAN BANCSHARES CORP.

##### Proposed Acquisition of Protective Loan Corporation

Centran Bancshares Corporation, Cleveland, Ohio, has applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y, for permission to acquire voting shares of Protective Loan Corporation, Albany, New York. Notice of the application was published on:

Date	Newspaper	City and State
Jan. 4, 1974	The Daily Freeman...	Kingston, N.Y.
Jan. 4, 1974	Post-Star and Times...	Glens Falls, N.Y.
Nov. 6, 1973	The Knickerbocker...	Schenectady, N.Y.
Nov. 6, 1973	News-Union Star...	Albany, N.Y.
Nov. 6, 1973	Albany Times Union...	Albany, N.Y.

Applicant states that the proposed subsidiary would engage in the activities of making consumer finance loans, purchase of installment sales contracts and selling credit life and credit accident and health insurance in connection with extensions of credit. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 27, 1974.

<sup>2</sup> Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Governors Mitchell and Daane.

<sup>2</sup> Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Governors Mitchell and Daane.



Board of Governors of the Federal Reserve System, January 30, 1974.

THEODORE E. ALLISON,  
Assistant Secretary of the Board.

[FR Doc. 74-2979 Filed 2-5-74; 8:45 am]

#### INTEGRITY HOLDING CO.

##### Order Approving Formation of a Holding Company

Integrity Holding Company, Wilmington, Delaware, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 55 percent of the shares of Integrity Finance Corporation,<sup>1</sup> Wilmington, Delaware, and thereby the indirect acquisition of 34 percent of the voting shares of The First National Bank of Wilmington ("Bank"), Wilmington, Delaware. Applicant, in addition, intends to acquire directly 4.5 percent of the voting shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. Time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a newly organized nonoperating corporation, was formed for the purpose of acquiring shares of Bank (deposits of \$11 million).<sup>2</sup> Since Applicant has no present operations or subsidiaries, there would be no adverse effects on competition in any relevant area.

The financial and managerial resources and future prospects of Applicant depend on those of Bank. These prospects appear less than favorable. However, Applicant has committed itself to provide additional capital to Bank and certain management assistance to Bank; banking factors therefore lend support to approval of the application. Considerations relating to the convenience and needs of the community to be served lend some weight to approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the

Federal Reserve Bank of Philadelphia, pursuant to delegated authority.

By order of the Board of Governors,<sup>3</sup>  
effective January 29, 1974.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc. 74-2983 Filed 2-5-74; 8:45 am]

#### RICE INSURANCE AGENCY

##### Formation of Bank Holding Company and Continuation of Insurance Agency Activities

Rice Insurance Agency, Inc., Strasburg, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 86 per cent of the voting shares of The First National Bank of Strasburg, Strasburg, Colorado ("Bank"). Applicant has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to continue to operate on the Bank's premises and engage in the activities of acting as agent for all types of insurance in a community with a population not exceeding 5,000 persons. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)).

Notice of the applications, affording opportunity for interested persons to submit comments and views has been given in accordance with sections 3 and 4 of the Act (38 FR 33342). The time for filing comments and views has expired, and none has been timely received.

Applicant, a recently formed Colorado corporation, engages on Bank premises in the sale of insurance as a general agent, an activity which was commenced in January 1973 when Applicant purchased the right to the name and renewals of Rice Insurance Agency, Inc., in conjunction with the acquisition of the controlling interest in Bank and Comanche Investment Company.<sup>4</sup> Prior to the transfer of the insurance agency business to Applicant the insurance agency activities were conducted on Bank premises through a corporation wholly owned by Chairman of the Board and majority stockholder of Bank. For the year of 1972 gross insurance commissions amounted to \$44,000. Thus, there has been for some years a close association between the Bank and the insurance agency. Approval of the proposal herein will continue this association and thereby assure the availability of insurance to the

community. There is no evidence in the record indicating that continuation of Applicant's insurance sales activities would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects.

Bank, chartered in 1917 as a national banking association, has deposits of \$12.1 million.<sup>5</sup> It is the only bank in Strasburg, a community with a population of approximately 600, located 35 miles east of Denver, Colorado. Bank is on the fringe of the Denver banking market, comprised of Adams, Arapahoe, Denver, and Jefferson counties and a small portion of Boulder county. Within this market there are 67 banks which have \$3.6 billion in total deposits. Thus, Bank's deposits represent only .33 percent of the deposits in the market. State Bank of Byers (deposits of \$3.9 million) located six miles east of Bank along Interstate 70 is Bank's most direct competitor. Both banks have experienced considerable growth over the past five years as a result of their locations on the expanding edge of the Denver area. Inasmuch as Applicant has no existing banking subsidiaries, the proposed acquisition of Bank by Applicant would have no adverse effects on competition within the banking market. Therefore, the Board concludes that competitive considerations are consistent with approval.

Financial and managerial resources and future prospects of the Applicant and Bank are satisfactory and consistent with approval. Applicant intends to finance the acquisition of Bank stock over a ten year period and in view of Applicant's projected earnings, which are based on the past earnings of the insurance agency and Bank the Board regards the debt retirement plan as satisfactory. Moreover, Bank's present capital position is satisfactory and Applicant's debt servicing requirements will not impair that condition.

There is no evidence in the record to suggest that the banking needs of the community to be served are not presently being met by existing financial institutions and considerations relating to the convenience and needs of the community are consistent with approval.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the factors under section 3(a)(1) and the balance of public interest factors the Board is required to consider under section 4(c)(8) are favorable. Accordingly, the application to become a bank holding company and the application to continue to engage in insurance activities are approved. The acquisition of the Bank shall not be made before the thirtieth calendar day following the effective date of this Order; and neither the acquisition of Bank or the continuance of insurance activities shall occur later than three months after the effective date of this Order. However,

<sup>2</sup> Unless otherwise specified, all data are as of December 31, 1972.

<sup>3</sup> Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

<sup>4</sup> Comanche is engaged exclusively in the purchase and collection of loans charged off by the Bank as uncollectable, a permissible activity under § 4(c)(1)(D) of the Act. Transfer of Comanche shares is restricted to concurrent transfer of like member of Bank shares.

<sup>1</sup> Integrity Finance Corporation engages in no activity other than holding stock of The First National Bank of Wilmington, Wilmington, Delaware, and leasing bank premises to that bank.

<sup>2</sup> All banking data are as of June 30, 1973.



such periods may be extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City. The determination as to insurance agency activities, and similarly the activities of Commerce Investment Company, is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assume compliance with the provision and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By order of the Board of Governors,<sup>2</sup>  
effective January 29, 1974.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.  
[FR Doc.74-2978 Filed 2-5-74; 8:45 am]

#### SOUTHEAST BANKING CORP.

##### Order Approving Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Bank of East Orange, Orlando, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Florida, controls 28 banks with aggregate deposits of about \$1.8 billion,<sup>1</sup> representing 8.5 percent of total deposits in commercial banks in the State. Acquisition of Bank, with deposits of approximately \$12 million, would neither significantly increase Applicant's share of commercial bank deposits in Florida nor result in any increase in concentration of banking resources in any part of the State.

Bank is the thirteenth largest of seventeen banking organizations in the Orlando banking market<sup>2</sup> and holds slightly over 1 percent of total commercial deposits therein. Applicant is the fifth largest banking organization in the market with two existing subsidiary

banks having aggregate deposits of approximately \$63 million, representing 5.4 percent of total market deposits. Upon consummation, Applicant's relative rank in the market will remain the same and it will not gain a dominant market position since the three largest banking organizations presently control, respectively, 40.6, 12, and 11 percent of market deposits. From the facts of record, it appears that the primary service areas of Applicant's banking subsidiaries and Bank do not overlap, and further, that Applicant's nonbank subsidiaries do only minimal business in the Orlando market. Accordingly, the Board concludes that no significant direct competition exists between Applicant and Bank and that consummation of the proposed acquisition will not eliminate significant competition from developing in the future.

The financial and managerial resources of Applicant, its subsidiary banks, and Bank are generally satisfactory, particularly in view of Applicant's commitments to inject additional equity capital into certain of its subsidiary banks. Future prospects for all are favorable.

Although there is no evidence in the record to indicate that the banking needs of the community to be served are not currently being met, Applicant proposes to extend the range of services presently offered by Bank by providing expertise in development financing for construction of multiunit dwellings, increasing the availability of venture capital, and enlarging present parking facilities. Therefore, considerations relating to the convenience and needs of the community to be served lend weight to approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,<sup>2</sup>  
effective January 29, 1974.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.  
[FR Doc.74-2980 Filed 2-5-74; 8:45 am]

#### SOUTHERN JERSEY BANCORP

##### Formation of Bank Holding Company

Southern Jersey Bancorp, Bridgeton, New Jersey, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding

<sup>1</sup> Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Farmers and Merchants National Bank of Bridgeton, Bridgeton, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than February 25, 1974.

Board of Governors of the Federal Reserve System, January 29, 1974.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.  
[FR Doc.74-2977 Filed 2-5-74; 8:45 am]

#### GENERAL SERVICES ADMINISTRATION

[Wildlife Order 115; D-VA-628]

#### PORTION-FORT EUSTIS, GOOSE ISLAND, NEWPORT NEWS, VIRGINIA

##### Transfer of Property

Pursuant to section 2 of Pub. L. 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America dated January 17, 1974, the property comprising approximately 79.5 acres of unimproved land identified as Portion-Fort Eustis, Goose Island, Newport News, Virginia, has been conveyed to the Commonwealth of Virginia.

2. The above described property was conveyed for wildlife purposes in accordance with the provisions of section 1 of said Pub. L. 537 (16 U.S.C. 667b), as amended, by Pub. L. 92-432.

Dated: January 30, 1974.

L. F. ROUSH,  
Commissioner,  
Public Buildings Service.

[FR Doc.74-3005 Filed 2-5-74; 8:45 am]

#### INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

##### CHRISTOPHER COAL CO. ET AL.

##### Notice of Opportunity for Public Hearing

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

- (1) ICP Docket No. 4308-000, Christopher Coal Company, Mine No. 1, Mine ID No. 15 02758 0, Topmost, Kentucky.
- (2) ICP Docket No. 4309-000, Bennett Coal Company, #13 UG Mine, Mine ID No. 46 00555 0, Vails Creek, West Virginia.
- (3) ICP Docket No. 4310-000, H. C. Bostic Coal Company, Inc., Mine #21, Mine ID No. 44 01213 0, Swords Creek, Virginia.
- (4) ICP Docket No. 4311-000, Hackney Coal Company, Mine No. 3-C, Mine ID No. 15 02609 0, Feds Creek, Kentucky.

<sup>1</sup> Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

<sup>2</sup> All banking data are as of June 30, 1973 and reflect bank holding company formations and acquisitions approved by the Board through December 31, 1973; market data are as of December 31, 1972.

<sup>3</sup> The Orlando banking market is approximated by Orange County and the southern half of Seminole County.



(5) ICP Docket No. 4312-000, Muncy Coal Company, Muncy #10 Mine, Mine ID No. 44 02741 0, Grundy, Virginia.

(6) ICP Docket No. 4313-000, Meadows Coal Company, Mine #25, Mine ID No. 44 00749 0, Swords Creek, Virginia.

(7) ICP Docket No. 4316-000, Westmoreland Coal Company, Osaka #2 Mine, Mine ID No. 44 01688 0, Appalachia, Virginia.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed on or before February 21, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,  
Chairman,  
Interim Compliance Panel.

JANUARY 31, 1974.

[FR Doc. 74-2992 Filed 2-5-74; 8:45 am]

#### WESTMORELAND COAL CO.

##### Notice of Opportunity for Public Hearing

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

(1) ICP Docket No. 4317-000, Westmoreland Coal Company, Pine Branch #1 Mine, Mine ID No. 44 00298 0, Dunbar, Virginia.

(2) ICP Docket No. 4318-000, Westmoreland Coal Company, Wentz #1 Mine, Mine ID No. 44 00302 0, Stonega, Virginia.

(3) ICP Docket No. 4319-000, Westmoreland Coal Company, Wentz #2 Mine, Mine ID No. 44 01696 0, Stonega, Virginia.

(4) ICP Docket No. 4320-000, Bullion Hollow Coal Company, Inc., Mine #19, Mine ID No. 44 01295 0, Wise, Virginia.

(5) ICP Docket No. 4321-000, Trent Coal Company, Trent No. 1 Mine, Mine ID No. 36 01529 0, Friedens, Pennsylvania.

(6) ICP Docket No. 4322-000, Eberhart Coal Company, Titus Mine, Mine ID No. 36 01302 0, Dilliner, Pennsylvania.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed on or before February 21, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim

Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,  
Chairman,  
Interim Compliance Panel.

JANUARY 31, 1974.

[FR Doc. 74-2993 Filed 2-5-74; 8:45 am]

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-9]

##### AD HOC EARTH RESOURCES TECHNOLOGY SATELLITE FOLLOW-ON PROGRAM PROPOSAL EVALUATION PANEL

###### Notice of Date and Place of Meeting

The NASA Ad Hoc Earth Resources Technology Satellite (ERTS) Follow-On Program Proposal Evaluation Panel will meet at the Holiday Inn at the Baltimore-

Washington International Airport on February 11 through 22, 1974. The meeting is open to members of the public during the open session from 9:00 a.m. to 11:15 a.m. on February 11, to within the 250 seat capacity of the room. The remainder of the meeting will be closed because the Panel will be considering information of a proprietary nature.

The Ad Hoc ERTS Follow-On Program Proposal Evaluation Panel serves in an advisory capacity to the National Aeronautics and Space Administration to review proposals for the assessment of ERTS Follow-On Program data in terms of providing useful information to facilitate surveys of the earth's resources for beneficial purposes. The Panel has 72 members including the Chairman, Dr. Gene A. Thorley. For further information regarding the meeting, please contact Dr. Thorley, Area Code 202 755-8626. The agenda for the meeting is as follows:

#### FEBRUARY 11, 1974

Item	Time	Topic
Item (1)	9:00 a.m.-11:15 a.m.	Dr. Thorley will brief the Panel members on guidelines for evaluation of proposals.
Item (2)	11:45 a.m.-4:30 p.m.	The Panel will form into 7 Subpanels to meet in closed sessions to evaluate and categorize ERTS Follow-On proposals.

#### FEBRUARY 12-20, 1974 (CLOSED SESSION)

9:00 a.m.-4:30 p.m. Item (2) continued.

#### FEBRUARY 21-22, 1974 (CLOSED SESSION)

Item (3)	9:00 a.m.-4:30 p.m.	The Panel will review evaluations and categorize proposals for the ERTS Follow-On Program.
	4:30 p.m.	Adjourn.

HOMER E. NEWELL,  
Associate Administrator, National Aeronautics and Space Administration.

FEBRUARY 4, 1974.

[FR Doc. 74-3082 Filed 2-5-74; 8:45 am]

[Notice 74-8]

##### SPACE PROGRAM ADVISORY COUNCIL Meeting

The NASA Space Program Advisory Council will meet on February 12 and 13, 1974, Room 7002, Federal Office Building 6, 400 Maryland Avenue, SW., Washington, D.C. The meeting is open to the public with the exception of one closed session, scheduled from 1:30 p.m. to 3:00 p.m. on February 13. The seating capacity of the room is about 40 persons, including Council members and other participants.

The NASA Space Program Advisory Council was established as an interdisciplinary group to advise NASA senior management on Physical Sciences, Life Sciences, Space Applications, and Space Systems. The functions of the Council are to consult with and advise NASA through the Deputy Administrator with respect to the plans for the work in progress on, and accomplishments of, NASA's space programs. In this capacity and within the general confines of agendas submitted for its consideration, the Council will review and advise on 1)

agency and program objectives, policies, and strategies; 2) the degree to which programs achieve their objectives and contribute to overall agency objectives; and 3) the means for the effective coordination of NASA's interests and activities with the academic, scientific, and engineering communities and institutions. The current Chairman is Dr. Frederick Seitz. There are nine members on the Council and additional members on four committees which report to the Council. The following list sets forth the approved agenda and schedule for the meeting. For further information contact the Executive Secretary, Mr. Nathaniel B. Cohen, Area Code 202, 755-8433.

#### TUESDAY, FEBRUARY 12

Time	Topic
9:00 a.m.	The NASA Fiscal Year 1975 Budget—The Council will be briefed on the NASA program included within the fiscal year 1975 President's Budget submitted to the Congress on Feb. 4, 1974.
10:00 a.m.	1973 Woods Hole Summer Study Results—The final report of the National Academy of Sciences/Space Science Board on this study will be summarized for the Council.
11:00 a.m.	ASTP Report—A description of the Apollo-Soyuz Test Project and its current status will be provided for the information of the Council.



Time	Topic
1:30 p.m.-----	<b>Scientist - Astronaut Study</b> —The Council will be briefed on the background of the scientist-astronaut program and initial views of the role of scientist-astronauts in Space Shuttle science and application programs.
2:30 p.m.-----	<b>Skylab Report</b> —Highlights of the results of the first two manned Skylab missions will be provided for the information of SPAC. Preliminary information on the last Skylab mission will be noted, where available.

## WEDNESDAY, FEBRUARY 13

9:00 a.m.-----	<b>Viking Status Report</b> —The Council will be provided with a status report on the Viking Project.
10:00 a.m.-----	<b>Committee Chairmen Reports</b> —This time is provided for the Chairmen of the SPAC Committees to report on the activities of their respective committees.
1:30 p.m.-----	<b>SPAC Membership (Closed Session)</b> —Information on nominees for SPAC membership has been sent to Council members, who should be prepared to discuss their preferences and arrive at a list for presentation to the Administrator. This session will include discussions of personal competence and fitness of the nominees. If discussed in open session, these individuals' right to privacy might be violated.
3:00 p.m.-----	<b>Administration</b> —Selection of dates for next meeting.
3:15 p.m.-----	<b>Adjourn.</b>

HOMER E. NEWELL,  
Associate Administrator, National Aeronautics & Space Administration.

JANUARY 30, 1974.

[FR Doc.74-3038 Filed 2-5-74; 8:45 am]

# NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR ANTHROPOLOGY Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Anthropology to be held at 9 a.m. on February 21, 22, and 23, 1974, in Room 338 at 1800 G Street, NW., Washington, D.C. 20550.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of research proposals.

This meeting is concerned with matters which are within the exemptions of (5 U.S.C. 552(b)) and will not be open

to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information concerning this Panel, contact Dr. Iwao Ishino, Program Director, Anthropology Program, Room 205, 1800 G Street, NW., Washington, D.C. 20550.

T. E. JENKINS,  
Assistant Director  
for Administration.

JANUARY 23, 1974.

[FR Doc.74-3020 Filed 2-5-74; 8:45 am]

## SECURITIES AND EXCHANGE COMMISSION FIRST UTILITIES EXCHANGE FUND, INC. Notice of Proposal To Terminate Registration

In the matter of the First Utilities Exchange Fund, Inc., 44 Wall Street, New York, N.Y. 10005.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that the First Utilities Exchange Fund, Inc., ("Fund") registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

Fund was organized as a Maryland corporation on March 19, 1965. On March 22, 1965, Fund registered under the Act by filing its Notification of Registration on Form N-8A. On that same date, it filed a Registration Statement under the Act on Form N-8B-1 and a Registration Statement under the Securities Act of 1933 on Form S-5, which became effective on June 1, 1965.

Fund presently has no assets, no shares of common stock outstanding, and no functioning board of directors. It has never issued any shares and does not propose to issue any shares.

Section 3(c)(1) of the Act excepts from the definition of "investment company" any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given, that any interested person may, not later than February 22, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall

order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-2975 Filed 2-5-74; 8:45 am]

## SMALL BUSINESS ADMINISTRATION

[License No. 01/01-0018]

### MASSACHUSETTS CAPITAL CORP.

#### Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Massachusetts 02108, a Federal licensee under the One Boston Place, Boston, Massachusetts, 02108, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application with the Small Business Administration (SBA) pursuant to section 312 of the Act and covered by § 107.1004 of the SBA rules and regulations governing Small Business Investment Companies (38 FR 30836, November 7, 1973), for approval of a conflict of interest transaction falling within the scope of the above section of the act and regulations.

Subject to such approval Mass. Cap. proposes to provide financing to Central Courier Systems, Inc. (Courier). The facts and circumstances concerning this financing are as follows:

Central Courier Systems Inc. (Courier), is an eligible small business concern for financing by a small business investment company. Courier is in the delivery business in the Metropolitan Washington, D.C. area, and has recently acquired delivery firms in the Boston, Houston, and Galveston areas.

BHF arranged a June 1973 financing for Courier from four small business investments companies. This financing consisted of notes and subordinated debentures.

Immediately following this financing, pursuant to a general policy of BHF with respect to concerns for which it raises venture capital financing, Mr. Funk was



named a director of Courier in order to monitor the performance and management of Courier.

BHF received 10,953 shares of Courier's stock as compensation for arranging the financing for Courier. BHF then distributed the shares of Courier's stock as dividends to Messrs. David G. Funk (5,527), David V. Harkins (3,108), Samuel Robinson II (1,288), and Wallace A. Sprague (1,030). The shares owned by these individuals constitute approximately 4.6 percent of Courier's 236,175 shares presently outstanding. Mr. Funk owns approximately 2.3 percent of the Courier stock.

Courier now needs additional financing of \$125,000. The licensee is willing to provide \$100,000 and a small business investment company in the prior financing is willing to provide the remaining \$25,000.

One-half of the \$125,000 financing would be notes and the remaining one-half would be convertible subordinated debentures. The terms of this financing are reasonable and similar to those of the previous financing.

BHF has been providing management consulting services to Courier pursuant to a contract. This contract will either be performed by BHF, on its own account, or will be assigned to the licensee, subject to SBA approval.

The proposed financing is brought within the purview of section 107.1004 of the regulations since Mr. David G. Funk is the President and a Director of Mass. Cap. and is an Associate of a Licensee defined in § 107.3 of the regulations, since he is a Director of Courier.

Notice is hereby given that any interested person, may, not later than 10 days from the date of publication of this Notice, submit to SBA, in writing, relevant comments on the proposed transaction. Any such communication should be addressed to:

Deputy Associate Administrator for Investment, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the licensee in a newspaper of general circulation in Boston, Massachusetts.

Dated: February 4, 1974.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[FR Doc.74-3155 Filed 2-5-74; 8:45 am]

## DEPARTMENT OF LABOR

### Bureau of Labor Statistics

### BUSINESS RESEARCH ADVISORY COUNCIL

#### Meeting

The regular winter meeting of the Business Research Advisory Council will be held on February 27, 1974, at 9:30 a.m. in Conference Room B of the Interdepartmental Auditorium, 14th and Constitution Avenue, NW., Washington, D.C. Agenda for the meeting follows:

1. Commissioner's Remarks.
2. Mandatory Reporting.
3. Committee Reports:
  - a. Economic Trends and Labor Conditions.
  - b. Manpower and Employment.
  - c. Occupational Safety and Health.
  - d. Wages and Industrial Relations.
  - e. Consumer and Wholesale Prices.

It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961-2559.

Signed at Washington, D.C., this 30th day of January 1974.

JULIUS SHISKIN,  
Commissioner of Labor Statistics.  
[FR Doc.74-2997 Filed 2-5-74; 8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice 438]

### ASSIGNMENT OF HEARINGS

FEBRUARY 1, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after February 6, 1974.

MC 133802 Sub 1, Empak Transportation Company, now assigned March 20, 1974, and MC-C-8191, Belger Cartage Service, Inc.—Investigation of Operations and Revocation of Certificates—now assigned March 18, 1974, at Kansas City, Mo., will be held in Room 609 Federal Office Bldg., 911 Walnut Street.

MC-C-7895, Land-Air Delivery, Inc., V. Springfield Airport Limousine, Inc., et al, now being assigned March 21, 1974, in Room 829, Court of Appeals, U.S. Court-house, 811 Grand Ave., Kansas City, Mo.

MC-44735, Kissick Truck Lines, Inc., now being assigned hearing March 25, 1974, in Room 829, Court of Appeals, U.S. Court-house, 811 Grand Ave., Kansas City, Mo.

MC 133316 Sub-7, Frank R. Givigliano, DBA Givigliano Transport, now assigned February 11, 1974, at Colorado Springs, Colo., is postponed indefinitely.

MC-111545 Sub 191, Home Transportation Co., Inc., now being assigned hearing March 25, 1974 (2 weeks), in the New Orleans Marriott, Canal and Chartres Streets, New Orleans, Louisiana.

MC 114273 Sub 147, Cedar Rapids Steel Transportation, Inc., now being assigned hearing March 20, 1974 (2 days), at Chicago, Illinois, in a hearing room to be later designated.

MC 138558 Sub 1, Roy Zenere Trucking & Excavating, Inc., now being assigned hearing March 12, 1974 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC-F-11951, Jones Truck Lines, Inc.—Cont. & Merger—M-F Express, Inc., and Poplarville Truck Line, Inc., now assigned March 5, 1974, at New Orleans, La., is postponed indefinitely.

MC-138874, Packard, Inc., now assigned March 25, 1974, at Baton Rouge, La., is postponed to April 9, 1974, in 5th Floor Conference Room, State Library, Riverside Mall, Baton Rouge, La.

Valuation Docket No. 1423 (1971 Report), now assigned February 5, 1974, at Washington, D.C., is postponed to April 15, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 121142 Sub 11, J & G Express, Inc., continued to March 4, 1974 (1 week), at the Holiday Inn, Highway 49 East and I-82 Bypass, Greenwood, Mississippi.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-3049 Filed 2-5-74; 8:45 am]

## FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 1, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before February 21, 1974.

FSA No. 42800—Soda Ash to Bacon, Texas. Filed by Southwestern Freight Bureau, Agent, (No. B-460), for interested rail carriers. Rates on soda ash, dense, in bulk in covered hopper cars, as described in the application, from Baton Rouge, Lake Charles, and West Lake Charles, Louisiana, to Bacon, Texas.

Grounds for relief—Rate relationship and market competition.

Tariff—Supplement 66 to Southwestern Freight Bureau, Agent, tariff 8-Z, I.C.C. No. 5020. Rates are published to become effective on March 3, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-3052 Filed 2-5-74; 8:45 am]

[Notice 4]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 1, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property,



1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

No. MC-2202 (Deviation No. 123), ROADWAY EXPRESS, INC., P.O. Box 471, Akron, Ohio 44309, filed January 23, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 270 and 177 at or near Shawnee, Okla., over U.S. Highway 177 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Oklahoma Highway 18, thence over Oklahoma Highway 18 to junction Interstate Highway 44, thence over Interstate Highway 44 to Springfield, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Shawnee, Okla., over U.S. Highway 270 to Harrah, Okla., thence over U.S. Highway 62 to Oklahoma City, Okla., thence over U.S. Highway 66 to Springfield, Mo., and return over the same route.

No. MC-2202 (Deviation No. 124), ROADWAY EXPRESS, INC., P.O. Box 471, Akron, Ohio 44309, filed January 24, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Akron, Ohio, over Interstate Highway 76 to junction Ohio Highway 5, thence over Ohio Highway 5 to junction Ohio Highway 11, thence over Ohio Highway 11 to Ashtabula, Ohio, and (2) From Akron, Ohio, over Interstate Highway 76 to junction Ohio Highway 5, thence over Ohio Highway 5 to junction Ohio Highway 11, thence over Ohio Highway 11 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Pennsylvania Highway 5, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Akron, Ohio, over U.S. Highway 21 to Cleveland, Ohio, thence over U.S. Highway 20 to Ashtabula, Ohio, thence over U.S. Highway 20 to Erie, Pa., thence over Pennsylvania Highway 5 to

junction Interstate Highway 90 and return over the same route.

No. MC-112713 (Deviation No. 25), YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, Kansas 66207, filed January 24, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Effingham, Ill., over Interstate Highway 57 to junction Interstate Highway 55 near Sikeston, Mo., thence over Interstate Highway 55 to junction Interstate Highway 40 near West Memphis, Ark., thence over Interstate Highway 40 to junction Interstate Highway 30 at Little Rock, Ark., thence over Interstate Highway 30 to Texarkana, Tex., thence over U.S. Highway 59 to junction U.S. Highway 79, and Texas Highway 315 at Carthage, Tex., thence over Texas Highway 315 to junction U.S. Highway 259 at Mount Enterprise, Tex., thence over U.S. Highway 259 to junction U.S. Highway 59, thence over U.S. Highway 59 to Houston, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Effingham, Ill., over U.S. Highway 40 to junction Alternate U.S. Highway 40, thence over Alternate U.S. Highway 40 via Vandalia and Hagarstown, Ill., to junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis, Mo., thence over U.S. Highway 66 to junction U.S. Highway 63 near Rolla, Mo., thence over U.S. Highway 63 to Rolla, Mo., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway near Waynesville, Mo., thence over unnumbered highway to Waynesville, Mo., thence over Missouri Highway 17 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway near Conway, Mo., thence over unnumbered highway via Conway to junction U.S. Highway 66, thence over U.S. Highway 66 to Vinita, Okla., thence over U.S. Highway 69 to Atoka, Okla., thence over U.S. Highway 75 to Houston, Tex., and return over the same route.

No. MC-30605 (Deviation No. 26), THE SANTA FE TRAIL TRANSPORTATION COMPANY, P.O. Box 56, Wichita, Kansas 67201, filed January 25, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Ft. Worth, Tex., over U.S. Highway 287 to Amarillo, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Ft. Worth, Tex., over U.S. Highway 377 to Stephenville, Tex., thence over U.S. Highway 67 to Coleman, Tex., thence over U.S. Highway 84 via Abilene, Tex., to Lubbock, Tex., thence over U.S. Highway 87 to Amarillo, Tex., and return over the same

route. Shipments transported pursuant to the above authority are limited to those which have an immediately prior or subsequent movement by rail.

No. MC-48958 (Deviation No. 54), ILLINOIS-CALIFORNIA EXPRESS, INC., P.O. Box 9050, Amarillo, Texas 79105, filed January 28, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Oakland, Calif., over Interstate Highway 80 to Cheyenne, Wyo., thence over Interstate Highway 25 to Denver, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From San Ysidro, Calif., over Interstate Highway 5 to Project City, Calif., (2) From Los Angeles, Calif., over U.S. Highway 66 via San Bernardino, Calif., to Albuquerque, N. Mex., thence over U.S. Highway 85 to Denver, Colo., and (3) From Colton, Calif., over U.S. Highway 99 to Indio, Calif., thence over U.S. Highway 60 to Wickenburg, Ariz., thence over U.S. Highway 89 to Ashfork, Ariz., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-3050 Filed 2-5-74; 8:45 am]

[Notice 4]

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 1, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.



## MOTOR CARRIERS OF PASSENGERS

No. MC-113567 (Sub-No. 1) (Deviation No. 1), LaCROSSE AND WESTERN STAGES, INC., DBA HIAWATHA COACHES, 2022 Oak Street, LaCrosse, Wisconsin 54601, filed January 21, 1974. Carrier's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From Sparta, Wis., over U.S. Highway 16 to Tomah, Wis., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Sparta, Wis., over Wisconsin Highway 21 to junction U.S. Highway 12, thence over U.S. Highway 12 to Tomah, Wis., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-3051 Filed 2-5-74; 8:45 am]

[Notice 9]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 1, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

**SPECIAL NOTICE:** The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

## MOTOR CARRIERS OF PROPERTY

No. MC 136453 (Sub-No. 2) (REPUBLICATION), filed January 18, 1973, published in the FEDERAL REGISTER issue of July 12, 1973, and republished this issue. Applicant: MARTIN TRANSIT, INC., Rural Route 30 and Walnut Street, Rock Falls, Ill. 61071. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. An Order of the Commission, Operating Rights Board, dated December 20, 1973, and served January 29, 1974, finds that operation by applicant, in interstate or

foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sterling, Ill., to Chicago, Ill., restricted to the transportation of traffic having an immediately subsequent movement by rail or air, under a continuing contract or contracts with Mid-America Protein, Inc., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 10968 (NOTICE OF FILING OF PETITION FOR MODIFICATION, CLARIFICATION AND AMENDMENT OF CERTIFICATE), filed January 16, 1974. Petitioner: GARDEN STATE TRANSFER CO., a Corporation, 185 Delancy Street, Newark, N.J. 07105. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor common carrier certificate in No. MC 10968 issued December 10, 1958, authorizing transportation, over irregular routes, of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between New York, N.Y., on the one hand, and, on the other, points and places in Bergen, Essex, Hudson, and Passaic Counties, N.J. By the instant petition, petitioner requests that (1) the Commission issue an appropriate order that the petitioner be empowered and permitted to designate as its terminal area, all points within which location operation may be conducted in the New York, N.Y., Commercial Zone as defined by the Commission, or in the alternative (2) amend its territorial description to read: "Between New York, N.Y., Commercial Zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), and those points in New Jersey within 5 miles of New York, N.Y., and all of any municipal

ality in New Jersey and part of which is within 5 miles of New York, N.Y., on the one hand, and, on the other, points and places in Bergen, Essex, Hudson, and Passaic Counties, N.J." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before March 8, 1974.

No. MC 65626 (Sub-No. 27) (CORRECTION OF A NOTICE OF FILING OF PETITION TO ELIMINATE A VEHICLE RESTRICTION), filed January 2, 1974, published in FEDERAL REGISTER issue January 26, 1974, and republished as corrected, this issue. Petitioner: FREDONIA EXPRESS, INC., 320 Eagle Street, P.O. Box 222, Fredonia, N.Y. 14063. Petitioner's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Petitioner presently holds a motor common carrier certificate in No. MC-65626 (Sub-No. 27) issued January 18, 1973, authorizing transportation, over irregular routes, of food and foodstuffs (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of Kraft Foods Division of Kraftco Corporation at or near Fogelsville, Pa., to points in Delaware, Maryland, New York, and Ohio, restricted to traffic originating at the named origin points and destined to the named destination points. By the instant petition, petitioner seeks to eliminate the vehicle restriction "in vehicles equipped with mechanical refrigeration." The purpose of this republication is to indicate the certificate petitioner seeks to modify is No. MC-65626 (Sub-No. 27) in lieu of MC-65626 (Sub-No. 7) as previously published. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before March 8, 1974.

No. MC 117465 (Sub-No. 10) (Notice of filing of petition to eliminate an alternate route restriction), filed January 14, 1974. Petitioner: BEAVER EXPRESS SERVICE, INC., doing business as BEAVER EXPRESS, 1215 Kansas, P.O. Box 151, Woodward, Okla. 73801. Petitioner's representative: Robert J. Midfelt, 600 Leninger Building, Oklahoma City, Okla. 73112. Petitioner holds a motor common carrier certificate in No. MC 117465 (Sub-No. 10) issued February 28, 1962, authorizing transportation as pertinent, over regular routes, of *general commodities* (except classes A and B explosives) between Elmwood and Guymon, Okla., as an alternate route for operating convenience only, in connection with carriers' regular route operations in Oklahoma, with right of joinder, serving no intermediate points: From Elmwood over Oklahoma Highway 3 to Guymon, and return over the same route. By the instant petition, petitioner seeks to eliminate the alternate route restriction and substitute in lieu thereof a reg-



ular service route between Elmwood and Guymon, Okla., as described above, serving the intermediate points of Hardesty and Bryans Corner (junction of Oklahoma State Highway 3 and U.S. Highway 83). Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before March 8, 1974.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

#### MOTOR CARRIERS OF PROPERTY

APPLICATION FOR CERTIFICATE WHICH IS TO BE PROCESSED CONCURRENTLY WITH AN APPLICATION UNDER SECTION 5 GOVERNED BY RULE 240 TO THE EXTENT APPLICABLE.

No. MC-F-11329 (Petition for Modification) ASSOCIATED FREIGHT LINES—PURCHASE—JOE SAIA, published in the October 6, 1971, issue of the FEDERAL REGISTER. This proceeding embraces No. MC-57254 (Sub-No. 13), ASSOCIATED FREIGHT LINES—EXTENSION.

By petition filed January 8, 1973, Associated Freight Lines, seeks modification of the restriction imposed by Review Board Number 5 in its report and order, served February 21, 1973, as modified by order of the Commission, Division 3, acting as an Appellate Division, served June 1, 1973.

The petition seeks removal of the following restrictions:

\* \* \* service to the extent that it includes points in Nevada within the commercial zones of Stateline and Brockway, Calif., as defined by the Commission, shall be restricted to traffic originating at or destined to those Nevada points included within said commercial zones, and serving no intermediate points in connection with the alternate routes for operating convenience (page 24 of the report of Review Board Number 5).

No. MC-F-12090. (CEDAR RAPIDS STEEL TRANSPORTATION, INC.—PURCHASE—THE KINNISON TRUCKING COMPANY), published in the January 16, 1974, issue of the FEDERAL REGISTER on page 2059. Application filed January 23, 1974, for temporary authority under section 210a(b).

No. MC-F-12102. (WALLACE-COLVILLE MOTOR FREIGHT, INC.—PURCHASE (PORTION)—RINGSBY-PACIFIC, LTD.), published in the January 23, 1974, issue of the FEDERAL REGISTER on page 2653. Application filed January 24, 1974, for temporary authority under section 210a(b).

No. MC-F-12118. Authority sought for purchase by FOOD HAUL, INC., P.O. Box 23394, Columbus, OH 43223, of the operating rights and property of H. & S. INC., 2911 St. Clair St., Jacksonville, FL 32205, and for acquisition by FREDERIC J. DURKIN, and JOHN C. DURKIN, JR., both of 6538 Collamer Rd., E. Syracuse, NY 13057, of control of such rights and property through the purchase. Applicants' attorney: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Operating rights sought to be transferred: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, as a contract carrier over irregular routes, between Jacksonville, Fla., on the one hand, and, on the other, Savannah, Ga., and Beaufort, Charleston, and Walterboro, S.C., between Charleston, S.C., on the one hand, and, on the other, Beaufort and Walterboro, S.C., and Savannah, Ga., between points in a defined area of Florida, between Jacksonville and Fernandina Beach, Fla., and Brunswick, Ga., with restriction, between points in a defined area of Florida, between Jacksonville, Fla., and Summerville, S.C., between points in Duval County, Fla., on the one hand, and, on the other, points in DeCATUR, Colquitt, Thomas, Lowndes, Coffee, Ben Hill, Wayne, Bulloch, Tift and Ware Counties, Ga., and points in Florida, with restrictions: citrus fruits, from Island Grove, Fla., and points in Marion County, Fla., to Jacksonville, Fla.; empty steel and wooden barrels, from Charleston, S.C., to Savannah, Ga., and Jacksonville, Fla.; field and garden seeds, between Charleston, S.C., on the one hand, and, on the other, Jacksonville, Fla.; packing-house products, between Charleston, S.C., and Savannah, Ga., on the one hand, and, on the other, Jacksonville, Fla., between Charleston, S.C., on the one hand, and, on the other, Savannah, Ga.; soap and soap products, glycerin, stearin, coconut oil products, lard compounds or substitutes, cooking oil, coconut oil, toilet preparations, and advertising matter and premiums used in connection with the sale of such commodities, from Charleston, S.C., to certain specified points in South Carolina. Vendee is authorized to operate as a contract carrier in Maryland, Ohio, Pennsylvania, Kentucky, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12119. Authority sought for purchase by NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601, of a portion of the operating rights of DUBOSE TRUCKING COMPANY, INC., Route 1, Box 257, Denham Springs, LA 70726, and for acquisition by CLYDE M. NORTON, and JANET N. NORTON, both of Sugar Hill Rd., Old Fort, NC 28762, and JUANITA W. RAMSEY, and WILLIAM F. RAMSEY, both of Church St., Old Fort, NC 28762, of

control of such rights through the purchase. Applicant's attorneys: Francis J. Ortman, 1100 17th St. NW., Suite 613, Washington, DC 20036 and Cordell H. Haymond, Suite 301, Baton Rouge Savings & Loan Bldg., 101 St. Ferdinand, Baton Rouge, LA 70801. Operating rights sought to be transferred: Sugar, in containers, as a common carrier over irregular routes, from the plant sites of Colonial Sugars Company, at Gramercy, La., and of Godchaux-Henderson Sugar Company, at Reserve, La., to points in Florida, Georgia, Maryland, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia. Vendee is authorized to operate as a common carrier in North Carolina, Arizona, California, Nevada, New Mexico, Oklahoma, Texas, Alabama, Arkansas, Colorado, Delaware, Florida, Kentucky, Maryland, Louisiana, Michigan, New Jersey, New York, Pennsylvania, Mississippi, South Carolina, Tennessee, Virginia, West Virginia, Idaho, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, Iowa, Maine, New Hampshire, Vermont, Kansas, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12120. Authority sought for purchase by GALE DELIVERY, INC., P.O. Box 573, Lynbrook, Long Island, NY 11563, of a portion of the operating rights of EXPRESS/S.D.Z., IRVING KLEIN, Trustee, 280 Broadway, New York, NY 10007, and for acquisition by M. WILLIAM JOEL, also of Lynbrook, Long Island, NY 11563, of control of such rights through the purchase. Applicants' attorney: Maxwell A. Howell, Investment Bldg., 1511 K St., NW., Washington, DC 20005. Operating rights sought to be transferred: General commodities, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a common carrier over irregular routes, between points in the New York, N.Y., Commercial Zone as defined by the Commission M.C.C. 665. Vendee is authorized to operate as a common carrier in New Jersey, and New York. Application has been filed for temporary authority under section 210a(b).

#### MOTOR CARRIERS OF PASSENGERS

No. MC-F-12121. Authority sought for purchase by CAPE TRANSIT CORPORATION, 425 Goodhope St., Cape Girardeau, MO 63701, of the operating rights and property of ST. LOUIS-CAPE BUS LINE, INC., 16 N. Frederick St., Cape Girardeau, MO 63701, and for acquisition by AMERICAN TRANSIT CORPORATION, and CHROMALLOY AMERICAN CORPORATION, both of 120 S. Central Ave., Clayton, MO 63105, of control of such rights and property through the purchase. Applicants' attorney: E. Stephen Heisley, 666 Eleventh St. NW., Washington, DC 20001, and Kent B. Friedman, 120 S. Central Ave., Clayton, MO 63105. Operating rights sought to be transferred: Passengers and



their baggage, and express and newspapers in the same vehicle with passengers, as a common carrier over regular routes, between St. Louis, Mo., and Cape Girardeau, Mo., serving all intermediate points, between Cape Girardeau and East Prairie, Mo., serving all intermediate points, except that no service shall be performed between any two of the following intermediate points—Charleston, Bertrand, and Sikeston, Mo. Vendee holds no authority from this Commission. However it is affiliated with (1) CHICAGO & CALUMET DISTRICT TRANSPORT COMPANY, INC., 120 S. Central Ave., St. Louis, MO 63105, and (2) TEXAS MOTOR COACHES, INC., 111 S. Meramec Ave., St. Louis, Mo 63105, which are authorized to operate as common carriers in (1) Illinois, and Indiana; and (2) Texas. Application has been filed for temporary authority under section 210a(b).

MC-F-12122. Application under section 5(2) of the Interstate Commerce Act by H. LINDLEY GRUBBS, 2300 Beaver Road, Landover, MD 20785, to continue in control of JACOBS TRANSFER, INC., of Landover, MD 20785 address, a motor common carrier, and VIRGINIA TRANSPORTATION, INC., 1814 High Point Avenue, Richmond, VA 23261, upon issuance to the latter of motor contract carrier authority in No. MC 138714 (Sub. No. 2). JACOBS TRANSFER, INC., is presently controlled by LEASING, INC., of Landover, MD, address, a non-carrier, which, in turn, is controlled by H. Lindley Grubbs and ENTERPRISING SERVICE, INC., of Landover MD, address, also a non-carrier. The latter is controlled by Mr. H. Lindley Grubbs. Applicants' attorney: FRANCIS W. MCINERNEY, Suite 502-Solar Building, 1000 Sixteenth Street NW., Washington, D.C. 20036. JACOBS TRANSFER, INC., holds authority: General commodities with exceptions, as a common carrier over irregular routes, from Washington, D.C., to points in Delaware, Maryland, and Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal; and from Annapolis, Md., to Washington, D.C., and points in Delaware and Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal; from points in the Washington, D.C., Commercial Zone, as defined by the Commission, to points in St. Marys, Charles, Calvert, Howard, and Anne Arundel Counties, Md., those in Montgomery and Prince Georges Counties, Md., not included in said Commercial Zone, and those in Fairfax, Prince William, and Loudoun Counties, Va.; from Washington, D.C., to Baltimore, Md., points in Baltimore, Carroll, and Frederick Counties, Md., and points in Fauquier, Spotsylvania, and Stafford Counties, Va., between Washington, D.C., on the one hand, and, on the other, those points in Maryland and Virginia which are within 25 miles of Zero Milestone in Washington, D.C., from Washington, D.C., to points in Saint Marys and Charles Counties, MD., with no transportation for

compensation on return except as otherwise authorized, between Washington, D.C., on the one hand, and, on the other, points in Charles and Saint Marys Counties, between the storage facilities of Sears, Roebuck and Company at Gaithersburg, Md., on the one hand, and, on the other, the facilities of Sears, Roebuck and Company located at Lancaster, York, Hanover, Chambersburg, Lebanon, Harrisburg, and Reading, Pa. General commodities over regular routes between Washington, D.C., and Baltimore, Md., serving all intermediate points; and the off-route point of Fort Meade, Md., and those in the Washington, D.C., Commercial Zone as defined by the Commission; telephone supplies and equipment, between points in the Washington, D.C., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Maryland and Virginia; household goods as defined by the Commission, between Washington, D.C., on the one hand, and, on the other, points in Maryland and Virginia within 50 miles of Washington, D.C., houses, knocked down, and component parts thereof when shipped therewith, from Washington, D.C., to Sterling, Va., with no transportation for compensation on return except as otherwise authorized, with restrictions. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12123. Authority sought for control by LEE WAY MOTOR FREIGHT, INC., 3000 W. Reno, Oklahoma City, OK 73108, of JOHANSEN'S SUPERIOR TRUCK COMPANY, 1580 Jesse St., Los Angeles, CA 90021, and for acquisition by R. E. LEE, and M. S. LEE, both of Oklahoma City, OK 73108, of control of JOHANSEN'S SUPERIOR TRUCK COMPANY, through the acquisition by LEE WAY MOTOR FREIGHT, INC. Applicants' attorneys: Richard H. Champlin, P.O. Box 82488, Oklahoma City, OK 73108, and Bertram S. Silver, 140 Montgomery St., San Francisco, CA 94104. Operating rights sought to be controlled: Under a certificate of registration in Docket No. MC-120013 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of California. LEE WAY MOTOR FREIGHT, INC., is authorized to operate as a common carrier in Texas, Oklahoma, Missouri, Indiana, Illinois, Ohio, Pennsylvania, West Virginia, Arkansas, Arizona, New Mexico, California, and Colorado. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-120013 (Sub-No. 2), is a matter directly related.

#### NOTICE

Notice is hereby given of the filing by CURTIS, MILBURN AND EASTERN RAILROAD COMPANY for authority to acquire trackage rights and joint use of a line of railroad of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Chehalis, Lewis County, Washington. This application, assigned

Finance Docket No. 27565, was filed with the Interstate Commerce Commission on January 14, 1974. Applicant's attorneys are Mr. Robert A. Dowdy, Curtis, Milburn and Eastern Railroad Company, Weyerhaeuser Company Headquarters Building, Tacoma, Washington 98401, and Mr. Charles J. McCarthy, Belnap, McCarthy, Spencer, Sweeney & Harkaway, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006. The proposed transaction is for authority to acquire trackage rights and joint use of a line of railroad of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Chehalis, Lewis County, Washington, by the Curtis, Milburn and Eastern Railroad Company. The total distance involved in this application is 8,156.4 Feet. Applicant has applied to the Interstate Commerce Commission in Finance Docket No. 27500 for a certificate of public convenience and necessity authorizing the acquisition and operation of a line of railroad extending approximately 10 miles from Curtis to Chehalis, Washington. In the opinion of the applicant, the proposed transaction will have no significant effect on the quality of the human environment. In accordance with Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation-Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b) (1)-(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission on or before March 8, 1974.

CURTIS, MILBURN AND EASTERN RAILROAD COMPANY

#### NOTICE

SEABOARD COAST LINE RAILROAD COMPANY, 3600 West Broad Street, Richmond, Virginia 23230, represented by Phyllis A. Joyner of the same address, hereby give notice that on the 26th day of December, 1973, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act, seeking authority for the purchase by the Seaboard Coast Line Railroad Company of the properties of the Georgia, Florida and Alabama Railroad Company and the operation thereof. Approval of this application, assigned Finance Docket No. 27554, would permit continuation by applicant of operations by the Seaboard Coast Line Railroad Company from Richmond, Georgia, to Tallahassee, Florida. The Seaboard Coast Line Railroad Company operates in the States of Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama. In the opinion of the applicant,



## NOTICES

the requested action by the Interstate Commerce Commission will have no significant effect on the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation-Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth

in Ex Parte No. 55 (Sub-No. 4), supra, Part (b) (1)-(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-3053 Filed 2-5-74;8:45 am]



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WEDNESDAY, FEBRUARY 6, 1974  
WASHINGTON, D.C.

Volume 39 ■ Number 26

PART II



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## ENVIRONMENTAL PROTECTION AGENCY

■

### CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

Proposed Effluent Limitations Guidelines,  
Standards of Performance, and  
Pretreatment Standards



# ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 408]

## EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR THE CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

### Notice of Proposed Rulemaking

Notice is hereby given that effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA) for the farm-raised catfish processing of more than 908 kg (2000 lbs) of raw material per day subcategory (Subpart A), farm-raised catfish processing of 908 kg (2000 lbs) or less of raw material per day subcategory (Subpart B), conventional blue crab processing subcategory (Subpart C), mechanized blue crab processing subcategory (Subpart D), Alaskan crab meat processing subcategory (Subpart E), Alaskan whole crab and crab section processing subcategory (Subpart F), dungeness and tanner crab processing in the contiguous States subcategory (Subpart G), Alaskan shrimp processing subcategory (Subpart H), Northern shrimp processing in the contiguous States of more than 1816 kg (4000 lbs) of raw material per day subcategory (Subpart I), Northern shrimp processing in the contiguous States of 1816 kg (4000 lbs) or less of raw material per day subcategory (Subpart J), Southern non-breaded shrimp processing in the contiguous States of more than 1816 kg (4000 lbs) of raw material per day subcategory (Subpart K), Southern non-breaded shrimp processing in the contiguous States of 1816 kg (4000 lbs) or less of raw material per day subcategory (Subpart L), breaded shrimp processing in the contiguous States of more than 1816 kg (4000 lbs) of raw material per day subcategory (Subpart M), breaded shrimp processing in the contiguous States of 1816 kg (4000 lbs) or less of raw material per day subcategory (Subpart N), and tuna processing subcategory (Subpart O) of the canned and preserved seafood processing category of point sources pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500) (the "Act").

#### (a) Legal authority.

##### (1) Existing point sources.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations

for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulations proposed herein set forth effluent limitations guidelines, pursuant to section 304(b) of the Act, for the farm-raised catfish processing of more than 908 kg (2000 lbs) of raw material per day subcategory (Subpart A), farm-raised catfish processing of 908 kg (2000 lbs) or less of raw material per day subcategory (Subpart B), conventional blue crab processing subcategory (Subpart C), mechanized blue crab processing subcategory (Subpart D), Alaskan crab meat processing subcategory (Subpart E), Alaskan whole crab and crab section processing subcategory (Subpart F), dungeness and tanner crab processing in the contiguous States subcategory (Subpart G), Alaskan shrimp processing subcategory (Subpart H), Northern shrimp processing in the contiguous States of more than 1816 kg (4000 lbs) of raw material per day subcategory (Subpart I), Northern shrimp processing in the contiguous States of 1816 kg (4000 lbs) or less of raw material per day subcategory (Subpart J), Southern non-breaded shrimp processing in the contiguous States of more than 1816 kg (4000 lbs) of raw material per day subcategory (Subpart K), Southern non-breaded shrimp processing in the contiguous States of 1816 kg (4000 lbs) or less of raw material per day subcategory (Subpart L), breaded shrimp processing in the contiguous States of more than 1816 kg (4000 lbs) of raw material per day subcategory (Subpart M), breaded shrimp processing in the contiguous States of 1816 kg (4000 lbs) or less of raw material per day subcategory (Subpart N), and tuna processing subcategory (Subpart O) of the canned and preserved seafood processing category of point sources.

##### (2) New sources.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or

other alternatives, including where practicable, a standard permitting no discharge of pollutants.

Section 306(b) (1) (B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to Section 306(b) (1) (A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973, (38 FR 1624) a list of 27 source categories, including the canned and preserved seafood processing source category. The regulations proposed herein set forth the standards of performance applicable to new sources for the farm-raised catfish processing of more than 908 kg (2000 lbs) of raw material per day subcategory (Subpart A), farm-raised catfish processing of 908 kg (2000 lbs) or less of raw material per day subcategory (Subpart B), conventional blue crab processing subcategory (Subpart C), mechanized blue crab processing subcategory (Subpart D), Alaskan crab meat processing subcategory (Subpart E), Alaskan whole crab and crab section processing subcategory (Subpart F), dungeness and tanner crab processing in the contiguous States subcategory (Subpart G), Alaskan shrimp processing subcategory (Subpart H), Northern shrimp processing in the contiguous States of more than 1816 kg (4000 lbs) of raw material per day subcategory (Subpart I), Northern shrimp processing in the contiguous States of 1816 kg (4000 lbs) or less of raw material per day subcategory (Subpart J), Southern non-breaded shrimp processing in the contiguous States of more than 1816 kg (4000 lbs) of raw material per day subcategory (Subpart K), Southern non-breaded shrimp processing in the contiguous States of 1816 kg (4000 lbs) or less of raw material per day subcategory (Subpart L), breaded shrimp processing in the contiguous States of more than 1816 kg (4000 lbs) of raw material per day subcategory (Subpart M), breaded shrimp processing in the contiguous States of 1816 kg (4000 lbs) or less of raw material per day subcategory (Subpart N), and tuna processing subcategory (Subpart O) of the canned and preserved seafood processing category of point sources.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. §§ 408.15, 408.25, 408.35, 408.45, 408.55, 408.65, 408.75, 408.85, 408.95, 408.105, 408.115, 408.125, 408.135, 408.145, and 408.155, proposed below, provide pretreatment standards for new sources within the farm-raised catfish processing of more than 908 kg (2000 lbs) of raw material per day subcategory (Subpart A), farm-raised catfish processing of 908 kg (2000 lbs) or less of raw material per day subcategory (Subpart B), conventional blue crab processing subcategory (Subpart C), mechanized blue crab processing subcategory (Subpart D), Alaskan crab meat processing subcategory (Subpart E), Alaskan whole crab and crab section processing subcategory (Subpart F), dungeness and tanner crab processing in the contiguous States subcategory (Subpart G), Alaskan shrimp processing subcategory (Subpart H), Northern shrimp processing in the contiguous States of more than 1816 kg (4000 lbs) of raw material per day subcategory (Subpart I), Northern shrimp processing in the contiguous States of 1816 kg (4000 lbs) or less of raw material per day subcategory (Subpart J), Southern non-breaded shrimp processing in the contiguous States of more than 1816 kg (4000 lbs) of raw material per day subcategory (Subpart K), Southern non-breaded shrimp processing in the contiguous States of 1816 kg (4000 lbs) or less of raw material per day subcategory (Subpart L), breaded shrimp processing in the contiguous States of more than 1816 kg (4000 lbs) of raw material per day subcategory (Subpart M), breaded shrimp processing in the contiguous States of 1816 kg (4000 lbs) or less of raw material per day subcategory (Subpart N), and tuna processing subcategory (Subpart O) of the canned and preserved seafood processing category of point sources.



essing subcategory (Subpart E), Alaskan whole crab and crab Section processing subcategory (Subpart F), dungeness and tanner crab processing in the contiguous States subcategory (Subpart G), Alaskan shrimp processing subcategory (Subpart H), Northern shrimp processing in the contiguous States of more than 1816 kg (4000 lbs) of raw material per day subcategory (Subpart I), Northern shrimp processing in the contiguous States of 1816 kg (4000 lbs) or less of raw material per day subcategory (Subpart J), Southern non-breaded shrimp processing in the contiguous States of more than 1816 kg (4000 lbs) of raw material per day subcategory (Subpart K), Southern non-breaded shrimp processing in the contiguous States of 1816 kg (4000 lbs) or less of raw material per day subcategory (Subpart L), breaded shrimp processing in the contiguous States of more than 1816 kg (4000 lbs) of raw material per day subcategory (Subpart M), breaded shrimp processing in the contiguous States of 1816 kg (4000 lbs) or less of raw material per day subcategory (Subpart N), and tuna processing subcategory (Subpart O) of the canned and preserved seafood processing subcategory of point sources.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under Section 306 of the Act. The Development Document referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(b) Summary and basis of proposed effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources.

(1) General methodology.

The effluent limitations guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, geographic location, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of (1) the source, flow and volume of water used in the process employed and the sources of waste and waste waters in the operation; and (2) the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations guidelines and standards of performance were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impacts, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data on which the above analysis was performed included sampling data; consultant reports; EPA research, development, and demonstration grant projects; permit application data; the open literature; and other sources.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standards proposed for existing sources under Part 128 of 40 CFR. The basis for such standards is set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navigable waters except for § 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amount of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, §§ 408.15, 408.25, 408.35, 408.45, 408.55, 408.65, 408.75, 408.85, 408.95, 408.105, 408.115, 408.125, 408.135, 408.145, and 408.155 below amend section 128.133 to require application of the standard

of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) Summary of conclusions with respect to the farm-raised catfish processing of more than 908 kg (2000 lbs) of raw material per day subcategory (Subpart A), farm-raised catfish processing of 908 kg (2000 lbs) or less of raw material per day subcategory (Subpart B), conventional blue crab processing subcategory (Subpart C), mechanized blue crab processing subcategory (Subpart D), Alaskan crab meat processing subcategory (Subpart E), Alaskan whole crab and crab section processing subcategory (Subpart F), dungeness and tanner crab processing in the contiguous States subcategory (Subpart G), Alaskan shrimp processing subcategory (Subpart H), Northern shrimp processing in the contiguous States of more than 1816 kg (4000 lbs) of raw material per day subcategory (Subpart I), Northern shrimp processing in the contiguous States of 1816 kg (4000 lbs) or less of raw material per day subcategory (Subpart J), Southern non-breaded shrimp processing in the contiguous States of more than 1816 kg (4000 lbs) of raw material per day subcategory (Subpart K), Southern non-breaded shrimp processing in the contiguous States of 1816 kg (4000 lbs) or less of raw material per day subcategory (Subpart L), breaded shrimp processing in the contiguous States of more than 1816 kg (4000 lbs) of raw material per day subcategory (Subpart M), breaded shrimp processing in the contiguous States of 1816 kg (4000 lbs) or less of raw material per day subcategory (Subpart N), and tuna processing subcategory (Subpart O) of the canned and preserved seafood processing category of point sources.

(i) Categorization.

For the purpose of studying waste treatment and effluent limitations, the farm-raised catfish, crab, shrimp and tuna segments of the canned and preserved seafood processing category were divided into fifteen discrete subcategories. Eleven were based primarily on a consideration of the variety of species being processed, manufacturing processes and subprocesses utilized, location of plant, and nature of operation (intermittent versus continuous) as outlined in the Development Document for the farm-raised catfish, crab, shrimp and tuna segments of the canned and preserved fish and seafood processing industry. Consideration of the economic impact of the proposed guidelines required an additional four subcategories based on the size of the processing facility. Different limitations were established for small plants within the farm-raised catfish, Northern shrimp, Southern non-breaded shrimp, and breaded shrimp segments of the industry due to unequal economic impacts created by diseconomies of scale.

(1) Subpart A—Farm-Raised Catfish Processing of More than 908 kg (2000 lbs) of Raw Material Per Day Subcategory: The farm-raised catfish processing industry is relatively new (many plants are



less than five years old) and employs processing techniques which are more homogeneous than most of the other segments of the seafood processing industry. The industry is concentrated principally in the Southern and Central United States.

(2) Subpart B—Farm-Raised Catfish Processing of 908 kg (2000 lbs) or Less of Raw Material Per Day Subcategory: Due to the disproportionate economic impact on the smaller farm-raised catfish processor, this subcategory adjusts the recommended guidelines to account for the diseconomies of scale in the application of waste treatment technology. With the exception of size, the description of Subpart B is identical to Subpart A.

(3) Subpart C—Conventional Blue Crab Processing Subcategory: Conventional blue crab processing plants, concentrated along the Gulf of Mexico and Atlantic coasts, are usually small operations utilizing manual picking of the crab meat. The waste water streams exhibit similar characteristics and low flow volumes. The majority of the pollutional load is attributable mainly to the cooking phase and to the plant clean up operation.

(4) Subpart D—Mechanized Blue Crab Processing Subcategory: Mechanized blue crab processing utilizes picking machines to separate the crab meat from the shell, a procedure which causes significant differences in waste water characteristics and volumes when compared to conventional blue crab processing. For example, the water use per kilogram of crab processed using mechanical pickers is 30 times the water use of the conventional process; the total suspended solids ratio is nearly 10 times greater; and the 5-day biochemical oxygen demand (BOD<sub>5</sub>) ratio approaches 4 times that of the conventional blue crab process.

(5) Subpart E—Alaskan Crab Meat Processing Subcategory: The Alaskan crab processing industry consists of a relatively small number of processing plants producing a large volume of product. The mechanical picking machines employed by Alaskan crab meat processors result in significantly different waste water characteristics and volumes when compared to the Alaskan whole crab and crab section process. For example, the crab meat process uses twice as much water as the whole crab and crab section process, and the 5-day biochemical oxygen demand and total suspended solids are almost 50 percent higher for the crab meat process.

(6) Subpart F—Alaskan Whole Crab and Crab Section Processing Subcategory: The whole crab and crab section process does not separate the meat from the shell before preservation. As discussed above, this processing technique results in significantly different waste water characteristics and volumes when compared to the Alaskan crab meat process.

(7) Subpart G—Dungeness and Tanner Crab Processing in the Contiguous

States Subcategory: Dungeness and Tanner crab processing plants in the contiguous States are relatively small compared to Alaskan plants. Unlike Alaskan processing, the plants utilize manual picking for crab meat production. Moreover, geographical differences based on considerations of climate, topography, relative isolation of the processing plants in Alaska, land and water availability and soil conditions further justify a distinction between Alaskan processing and processing in the contiguous States.

(8) Subpart H—Alaskan Shrimp Processing Subcategory: The Alaskan shrimp processing industry is similar to the Northern shrimp processing industry in the contiguous States in terms of processing technology and waste water characteristics. However, geographical differences such as those listed in the previous section justify a distinction between Alaskan processing and processing in the contiguous States.

(9) Subpart I—Northern Shrimp Processing of More Than 1816 kg (4000 lbs) of Raw Material Per Day in the Contiguous States Subcategory: The Northern shrimp processing industry in the contiguous States includes the New England and Pacific Northwest as well as the California shrimp processors. Significant differences in waste water characteristics exist between this subcategory and the Southern non-breaded shrimp and breaded shrimp subcategories. For example, the settleable solids in the waste waters from Northern shrimp processors were nearly ten times those from Southern non-breaded and breaded shrimp processing. The Northern shrimp 5-day biochemical oxygen demand was nearly three times that of the Southern non-breaded shrimp and 1.4 times that of the breaded shrimp, a phenomenon largely attributable to the differences in product size. Paralleling this BOD<sub>5</sub> relationship, the Northern shrimps' grease and oil level was also higher than those levels of the Southern non-breaded and breaded shrimp.

(10) Subpart J—Northern Shrimp Processing in the Contiguous States of 1816 kg (4000 lbs) or Less of Raw Material Per Day Subcategory: Due to the disproportionate economic impact on the smaller Northern shrimp processor, this subcategory adjusts the recommended guidelines to account for the diseconomies of scale in the application of waste treatment technology. With the exception of size, the description of Subpart J is identical to Subpart I.

(11) Subpart K—Southern Non-Breaded Shrimp Processing of More Than 1816 kg (4000 lbs) of Raw Material Per Day in the Contiguous States Subcategory: Southern shrimp processing, concentrated in the Gulf of Mexico and South Atlantic areas, utilizes a larger species of shrimp than either the Alaskan or Northern shrimp processing industries. This difference in raw material processed is responsible for the significant differences in waste water characteristics as described in section 9. Moreover, the BOD<sub>5</sub> and water consump-

tion for Southern non-breaded shrimp are almost half of that for breaded shrimp.

(12) Subpart L—Southern Non-Breaded Shrimp Processing in the contiguous States of 1816 kg (4000 lbs) or Less of Raw Material Per Day Subcategory: Due to the disproportionate economic impact on the smaller Southern non-breaded shrimp processor, this subcategory adjusts the recommended guidelines to account for the diseconomies of scale in the application of waste treatment technology. With the exception of size, the description of subpart L is identical to Subpart K.

(13) Subpart M—Breaded Shrimp Processing of more than 1816 kg (4000 lbs) of Raw Material Per Day in the Contiguous States Subcategory: The addition of a breaded operation to the processing of shrimp causes significant increases in certain waste water parameters such as biochemical oxygen demand and total suspended solids as previously discussed in Subparts I and K above.

(14) Subpart N—Breaded Shrimp Processing in the Contiguous States of 1816 kg (4000 lbs) or Less of Raw Material Per Day Subcategory: Due to the disproportionate economic impact on the smaller breaded shrimp processor, this subcategory adjusts the recommended guidelines to account for the diseconomies of scale in the application of waste treatment technology. With the exception of size, the description of subpart N is identical to subpart M.

(15) Subpart O—Tuna Processing Subcategory: Although widely distributed geographically, the tuna processing industry utilizes a common technology for the production of canned tuna and various by-products. Waste water characteristics are thus fairly uniform from region to region regardless of plant size. The tuna processing industry is the only segment of the seafood processing industry examined in the Development Document which has a relatively continuous year-round operation.

#### (ii) Waste characteristics.

Pollutants contained in waste waters resulting from seafood processing are measured by biochemical oxygen demand, chemical oxygen demand, settleable solids, total suspended solids, oil and grease, total Kjeldahl nitrogen (organic nitrogen and ammonia), nitrate, phosphorus, oil and grease, coliform bacteria, pH and temperature. Of the foregoing pollution parameters, biochemical oxygen demand, total suspended solids, and oil and grease have been selected as significant parameters for the establishment of effluent limitations. The pH parameter is included also as an effluent limitation which must fall within an acceptable range of values. The remaining parameters are so closely related to those selected as to be influenced by their limitations, or present at levels that are not significant.

(iii) Origin of waste water pollutants in the canned and preserved seafood processing category.



Generally, waste water flows within the seafood processing industry originate at the receiving, preprocessing, evisceration, pre-cooking, picking and cleaning, preserving, canning, freezing, plant cleanup and by-product operations of the manufacturing process.

(iv) Treatment and control technology.

Present control and treatment practices are uniformly inadequate within the farm-raised catfish, crab, shrimp and tuna processing segments of the canned and preserved seafood processing industry. Processors employ few if any waste water treatment facilities at the full scale plant operational level. Consequently, with the exception of screening and solids recovery, the majority of the waste water treatment alternatives are based on pilot plant studies, transferable technology from the meat processing industry, municipal waste treatment systems, or other segments of the seafood as well as the food processing industry.

The available alternatives include in-plant controls such as water conservation and dry capture of solids to minimize raw waste loads from processing. The end-of-process physical and chemical treatment technologies include screening, sedimentation, air flotation, and concentration. The end-of-process biological treatment alternatives include activated sludge, extended aeration, rotating biological contactors, high-rate trickling filters, stabilization ponds, and aerated lagoons.

(v) Treatment and control technology within subcategories. Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is (a) the best practicable control technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technology, processes, operating methods or other alternatives.

(1) Treatment for the farm-raised catfish processing of more than 908 kg (2000 lbs) of raw material per day subcategory: The best practicable control technology currently available involves efficient in-plant water and waste water management, partial recycle of live fish holding tank water, solids or by-product recovery, and aerated lagoons and oxidation ponds. The best available technology economically achievable includes effluent treatment through an extended aeration system. The best available demonstrated control technology, processes, operating methods or other alternatives for new sources is based on spray irrigation of process waste water and partial recycle of live fish holding tank water with overflow and discharge to fish holding ponds which occasionally overflow to navigable waters.

(2) Treatment for the farm-raised catfish processing of 908 kg (2000 lbs) or less of raw material per day subcategory: The best practicable control technology currently available involves efficient in-plant water and waste water

management, partial recycle of live fish holding tank water, solids, or by-product recovery, and oxidation ponds. The best available technology economically achievable includes effluent treatment through an extended aeration system. The best available demonstrated control technology, processes, operating methods or other alternatives for new sources are based on spray irrigation of process waste water and partial recycle of live fish holding tank water with overflow and discharge to fish holding ponds which occasionally overflow to navigable waters.

(3) Treatment for the conventional blue crab processing subcategory: The best practicable control technology currently available consists of efficient in-plant water and waste water management, solids or by-product recovery, and aerated lagoon systems. The best available technology economically achievable includes effluent treatment through an extended aeration system. The best available demonstrated control technology, processes, operating methods or other alternatives for new sources are met by the requirements for the best practicable control technology currently available.

(4) Treatment for the mechanized blue crab processing subcategory: The best practicable control technology currently available consists of efficient in-plant water and waste water management, solids or by-product recovery, and aerated lagoon systems. The best available technology economically achievable includes effluent treatment through an extended aeration system. The best available demonstrated control technology, processes, operating methods or other alternatives for new sources are met by the requirements for the best practicable control technology currently available and appropriate process design to provide more efficient water and waste water management.

(5) Treatment for the Alaskan crab meat processing subcategory: The best practicable control technology currently available consists of efficient in-plant water and waste water management, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. The unique physical situation of Alaskan processors includes extreme seasonality, harsh climate and frequent inavailability of usable land. This precludes consideration of more sophisticated waste-management technologies which are readily transferable to seafood processing in the contiguous States. The best available technology economically achievable includes treatment by dissolved air flotation systems. The best available demonstrated control technology, processes, operating methods or other alternatives for new sources are met by the requirements for the best practicable control technology currently available and appropriate process design to provide more efficient water and waste water management.

(6) Treatment for the Alaskan whole crab and crab section processing subcategory: The best practicable control

technology currently available consists of efficient in-plant water and waste water management, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. As discussed in the previous section, the unique physical situation of Alaskan processors precludes consideration of more sophisticated waste-management technologies which are readily transferable to seafood processing in the contiguous States. The best available technology economically achievable includes treatment by dissolved air flotation systems. The best available demonstrated control technology, processes, operating methods or other alternatives for new sources are met by the requirements for the best practicable control technology currently available and appropriate process design to provide more efficient water and waste water management.

(7) Treatment for the dungeness and tanner crab processing in the contiguous States subcategory: The best practicable control technology currently available consists of efficient in-plant water and waste water management, solids or by-product recovery techniques, and dissolved air flotation systems. The best available technology economically achievable includes treatment by aerated lagoon systems in addition to dissolved air flotation systems with chemical coagulation. The best available demonstrated control technology, processes, operating methods or other alternatives for new sources are met by the requirements for the best practicable control technology currently available and appropriate process design to provide more efficient water and waste water management.

(8) Treatment for the Alaskan shrimp processing subcategory: The best practicable control technology currently available consists of efficient in-plant water and waste water management, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. As discussed previously in sections (5) and (6) above, the unique physical situation of Alaskan processors precludes consideration of more sophisticated waste-management technologies which are readily transferable to seafood processing in the contiguous States. The best available technology economically achievable includes treatment by dissolved air flotation systems. The best available demonstrated control technology, processes, operating methods or other alternatives for new sources are met by the requirements for the best practicable control technology currently available and appropriate process design to provide more efficient water and waste water management.

(9) Treatment for the Northern shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory: The best practicable control technology currently available consists of efficient in-plant water and waste water management, solids or by-product recovery techniques, and dissolved air flotation



systems. The best available technology economically achievable includes treatment by aerated lagoon systems in addition to dissolved air flotation systems with chemical coagulation. The best available demonstrated control technology, processes, operating methods or other alternatives for new sources are met by the requirements for the best practicable control technology currently available and appropriate process design to provide more efficient water and waste water management.

(10) Treatment for the Northern shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory: The best practicable control technology currently available consists of efficient in-plant water and waste water management and solids or by-product recovery through the use of screening systems. The best available technology economically achievable includes treatment by dissolved air flotation systems in addition to screening. The best available demonstrated control technology, processes, operating methods or other alternatives for new sources is based on dissolved air flotation systems in addition to screening and appropriate process design to provide more efficient water and waste water management.

(11) Treatment for the Southern non-breaded shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory: The best practicable control technology currently available consists of efficient in-plant water and waste water management, solids or by-product recovery techniques, and dissolved air flotation systems. The best available technology economically achievable includes treatment by aerated lagoon systems in addition to dissolved air flotation systems with chemical coagulation. The best available demonstrated control technology, processes, operating methods or other alternatives for new sources are met by the requirements for the best practicable control technology currently available and appropriate process design to provide more efficient water and waste water management.

(12) Treatment for the Southern non-breaded shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory: The best practicable control technology currently available consists of efficient in-plant water and waste water management and solids or by-products recovery through the use of screening systems. The best available technology economically achievable includes treatment by dissolved air flotation systems in addition to screening. The best available demonstrated control technology, processes, operating methods or other alternatives for new sources are based on dissolved air flotation systems in addition to screening and appropriate process design to provide more efficient water and waste water management.

(13) Treatment for the breaded shrimp processing of more than 1816 kg (4000

lbs) or raw material per day in the contiguous States subcategory: The best practicable control technology currently available consists of efficient in-plant water and waste water management, solids or by-product recovery techniques, and dissolved air flotation systems. The best available technology economically achievable includes treatment by aerated lagoon systems in addition to dissolved air flotation systems with chemical coagulation. The best available demonstrated control technology, processes, operating methods or other alternatives for new sources are met by the requirements for the best practicable control technology currently available and appropriate process design to provide more efficient water and waste water management.

(14) Treatment for the breaded shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory: The best practicable control technology currently available consists of efficient in-plant water and waste water management and solids or by-product recovery through the use of screening systems. The best available technology economically achievable includes treatment by dissolved air flotation systems in addition to screening. The best available demonstrated control technology, processes, operating methods or other alternatives for new sources are based on dissolved air flotation systems in addition to screening and appropriate process design to provide more efficient water and waste water management.

(15) Treatment for the tuna processing subcategory: The best practicable control technology currently available consists of efficient in-plant water and waste water management, solids and by-product recovery techniques, and dissolved air flotation systems. The best available technology economically achievable includes dissolved air flotation systems with chemical addition, high rate trickling filters followed by activated sludge biological treatment systems. The best available demonstrated control technology, processes, operating methods or other alternatives for new sources are met by the requirements for the best practicable control technology currently available and appropriate process design to provide more efficient water and waste water management.

(vi) Establishing daily maximum limitations: Because there are no existing waste water treatment facilities at the plant level, the 30-day and the daily maximum limitations are based on engineering judgment and the consideration of the operating characteristics of similar treatment systems within the meat processing industry, municipal waste treatment systems, or other segments of the seafood as well as the food processing industry. The daily maximum limitations for the screening systems are 3 times the thirty day limitations; for air flotation systems, 2.5 times the thirty day limitation; for aerated lagoon systems, 2 times the thirty day limitation; for extended aeration systems, 3 times the thirty day limitation; and for acti-

vated sludge systems, 3.5 times the thirty day limitation. An exception was made for the total suspended solids after screening in the Alaskan shrimp processing subcategory due to the high initial level of the parameter. The daily maximum limitation of total suspended solids for the Alaskan shrimp processing subcategory is 1.5 times the 30 day limitation.

The proposed effluent limitations guidelines and standards of performance are expressed in terms of a ratio between the weight of pollutants which may be discharged and the weight of raw material, i.e., fish and seafood processed.

When a plant is subject to effluent limitations covering more than one subcategory, the plant's effluent limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

(vii) The cost and energy requirements associated with the control and treatment technologies have been considered. The costs for in-plant controls are largely those associated with capital investment for process and equipment modifications. Realization of values obtained from product loss reduction, by-product recovery, and reduced treatment costs may well result in a net gain. For example, in 1973 fish meal supplies are selling up to three or more times the 1971 prices. Peru, normally the producer of one-half of the world's fish meal, has had greatly reduced output in 1972 and 1973. Hence if this trend continues, the production of meal from waste will be economically profitable for many plants.

The costs associated with end-of-pipe treatment include amortization of capital expenditures over a ten-year period, debt servicing, and operation and maintenance. Added energy requirements are those associated with operation of treatment facilities and constitute only a small fraction of the total plant consumption.

(viii) Economic impact analysis.

A precise study of the economic impact is difficult due to numerous other forces at work within the seafood industry, and because of the plant-to-plant variability of such factors as pollution control costs, profitability, and return on investment.

There may be a significant economic impact due to diseconomies of scale within the catfish, Northern shrimp, Southern non-breaded shrimp, and breaded shrimp segments of the industry. Because of this, four proposed subcategories are based on economic considerations alone in order to alleviate the plight of the smaller processor. The determination of the subdivision for smaller processors is based on limited information and is subject to revision before promulgation in final form of the proposed effluent limitations guidelines.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Catfish, Crab, Shrimp, and Tuna segments of the Canned and Preserved Fish and Seafood Processing Industry" details the analysis undertaken



in support of the regulations proposed herein. The report is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulations is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulations, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which prescribe national standards of environmental quality or require national emission, effluent or performance standards and limitations.

The Agency determined to implement these procedures in order to insure that the public was apprised of the environmental effects of its major standards setting actions and was provided with detailed background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where, because of the length of these materials, such publication is impracticable, the material may be made available in an alternate format.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Catfish, Crab, Shrimp, and Tuna Segments of the Canned and Preserved Seafood Processing Industry Point Source Category" contains information available to the Agency concerning the major environmental effects of the regulation proposed below, including:

(1) the pollutants presently discharged into the Nation's waterways by processors of canned and preserved seafood and the degree of pollution reduction obtainable from the implementation of the proposed guidelines and standards (see particularly sections IV, V, VI, IX, X, and XI);

(2) the anticipated effects of the proposed regulation on other aspects of the environment including air, solid waste disposal and land use, and noise (see particularly section VIII); and

(3) options available to the Agency in developing the proposed regulatory system and the reasons for its selecting the particular levels of effluent reduction which are proposed (see particularly sections VI, VII, and VIII).

The supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines Seafoods Processing Industry" contains an estimate of the cost of pollution control requirements and an analysis of the possible effects of the proposed regulations on prices, production levels, employment, communities in which canned and preserved seafood processing plants are located, and international trade. In addition, the above described Development Document describes, in section VIII, the cost and energy consumption implications of the proposed regulations.

The two reports described above in the aggregate exceed 500 pages in length and contain a substantial number of charts, diagrams, and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in foregoing portions of this preamble. Additional discussion is contained in the following analysis of comments received and the Agency's response to them. As has been indicated, both documents are available for inspection at the Agency's Washington, D.C. and regional offices and at State water pollution control agency offices. Copies of each have been distributed to persons and institutions affected by the proposed regulations or who have placed themselves on a mailing list for this purpose. Finally, so long as the supply remains available, additional copies may be obtained from the Agency as described above.

When regulations for the processors of canned and preserved seafood are promulgated in final form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

### (3) Summary of Public Participation.

Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations guidelines and standards proposed for the canned and preserved fish and seafood processing category. All participating agencies and groups have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory

Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) the National Marine Fisheries Service, U.S. Department of Commerce; (4) U.S. Department of the Interior; (5) U.S. Department of Health, Education, and Welfare; (6) the Water Resources Council; (7) the American Society of Mechanical Engineers; (8) Hudson River Sloop Restoration, Inc.; (9) the Conservation Foundation; (10) Environmental Defense Fund, Inc.; (11) Natural Resources Defense Council; (12) the American Society of Civil Engineers; (13) the Water Pollution Control Federation; (14) the National Wildlife Federation; (15) the American Frozen Food Institute; (16) the National Canners Association; (17) the National Fisheries Association; (18) the Catfish Farmers of America; (19) the American Shrimp Canners Association; (20) Tuna Research Foundation, Inc.; (21) the Chesapeake Bay Seafood Industries Association; and (22) the Kodiak Seafood Processors Association.

The following organizations responded with comments: National Canners Association; American Shrimp Canners Association; Catfish Farmers of America; Chesapeake Bay Seafood Industries Association; Kodiak Seafood Processors Association; American Society of Civil Engineers; National Marine Fisheries Service, U.S. Department of Commerce; State of Georgia, Department of Natural Resources; State of Alaska, Department of Environmental Conservation; Government of American Samoa, Environmental Quality Commission; and the California Water Resources Control Board.

The comments were highly variable, ranging from full approval to total rejection of the conclusions and recommendations contained in the draft Development Document.

The primary issues raised in the development of the proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

(a) A number of commentors questioned the validity of the sampling method of screening the raw waste waters with a 20-mesh Tyler sieve prior to laboratory analysis. They contended that the data contained in the Development Document are in reality screened waste loads and may not be used as a valid base for establishing further reductions through employment of subsequent waste water treatment under commercial plant operating conditions.

Immediately after sampling, each aliquot was passed through a standard 20-mesh Tyler screen prior to adding it to the composite sample. This practice has been used in previous waste water characterization research in both the seafoods and the fruits and vegetable fields. It serves to remove the larger solid particles (such as crab legs, some shrimp shell, fish parts, etc.) and thereby greatly reduce the resultant "scatter" of the data points. The method is especially valuable in developing a precise base-line value



for each parameter from a limited number of samples.

The alternatives to this approach were to use a larger mesh size, to blend or grind the samples, or to leave all solids intact and in the sample. A larger mesh size would have been less defensible than 20-mesh, since the latter represented the minimum mesh expected to be encountered in full scale treatment designs. To grind the samples would have led to unrealistically high values for some parameters such as BOD5 and grease and oil, because these values are surface-area dependent. Grinding a food processing waste sample can increase its BOD5 by up to 1000 percent. This choice was rejected because the values obtained through this method (especially those for BOD5—the simple most important parameter in the guidelines) would be unrealistically high. The third alternative was not adopted because it would introduce unacceptable scatter into the results and cast serious doubt on the validity of the parameter averages obtained.

It was recognized that laboratory screening efficiencies would likely be higher than full-scale field screening efficiencies (for the same mesh). However, the same or better results could be obtained by using smaller mesh sizes in full-scale plant application.

Adoption of the 20-mesh screening method provided accurate, reliable baseline data for each parameter in each subcategory for screened waste water, thereby permitting confident selection of subsequent treatment alternatives.

For estimates of removal efficiencies for the design and cost estimates, the literature was consulted to establish the relationship between screened and unscreened BOD5 for each subcategory. This factor was applied in full recognition of the inherent inaccuracies associated with the "unscreened" value.

(b) The criticism was made that limitations on Kjeldahl nitrogen were unnecessary because nitrogen levels vary with the solids and BOD levels.

Nitrogen parameters are not included in the proposed effluent limitations guidelines because the extent to which nitrogen components in fish and seafood wastes is removed by physical-chemical or biological treatment, remains to be evaluated. Furthermore, the need for advanced treatment technology specifically designed for nitrogen removal has not been demonstrated at this time for this industry.

(c) A common criticism stated that the data base justifying the subcategorization of the industry and the effluent guidelines is insufficient. The Environmental Protection Agency recognizes that prior to this study a paucity of reliable waste characterization data describing the farm-raised catfish, crab, shrimp, and tuna processing industries existed. The statutory time constraints precluded the collection of exhaustive data covering all possible processing configurations and complete seasonal cycles. Therefore, the data generated for the study with the accompanying assumptions are presented in the Development

Document. Furthermore, a major objective of the study was to determine whether "Best Practicable Control Technology" existed within the industry, and if not, to "transfer technology" which is readily available for waste treatment.

The Federal Water Pollution Control Act Amendments of 1972 provide for periodic review of the guidelines in order to consider additional data as well as processing and waste treatment innovations.

(d) The criticism has been made that a substantial number of processors do not have access to adequate land for the construction of waste treatment facilities.

With the exception of the catfish and conventional and mechanized blue crab subcategories, achieving the effluent limitations proposed for the best practicable control technology currently available requires only a minimal amount of land. The next lower level of treatment is screening or no treatment. The catfish processors are located inland in relatively flat areas where land is generally available. Also, some catfish processing plants are located in or near urban areas which provides access to existing domestic sewerage and treatment systems. The blue crab processors usually are located in areas with flat land available for waste treatment plant construction. These processors, too, are often near urban areas which provides access to existing domestic sewerage and treatment systems.

With the exception of crab and shrimp processing in Alaska the limitations based on best available technology economically achievable are dependent upon the availability of some land. It is recognized that land may not be available to many processors. However, the proposed limitations do not dictate which technology to employ. In the interim before July 1, 1983, improved product and by-product recovery techniques, with improved physical and chemical treatment, could provide an effluent which meets the limitations. Therefore, a non-land requiring technology may be utilized, if available, to meet the requirements proposed for best available technology economically achievable.

(e) Economic impact.

Many comments have indicated that the costs associated with meeting the proposed effluent limitations guidelines will close large segments of the seafood industry.

There may be a significant economic impact on some segments of the industry such as catfish and shrimp processors for Level I. The costs of meeting the proposed Level II guidelines may cause a relatively larger impact. As discussed previously, four subcategories were developed to alleviate the impact on the smaller processor due to diseconomies of scale. In addition, due to the conservative nature of the cost estimates for control and treatment equipment, the actual impact on the industry should be less than that indicated by the economic impact analysis.

In all cases the design and cost estimates assumed a two shift per day operation at full plant capacity for each shift

for the hydraulic loading of the model treatment systems. Comments from industry such as the catfish processors indicate that the majority of plants normally operate at a fraction of rated capacity.

The cost estimates assumed that no treatment existed at the plant level which is an accurate assessment for the majority of the processors in Alaska but not for processors in the contiguous States. Most of the processors outside of Alaska employ some form of screening to remove solids from the plant effluent streams.

In many instances improved product and by-product recovery produces increased revenues for the processing plant. However, the possible income resulting from these effluent control measures was not included in the economic impact analysis.

The economic impact analysis did not consider the availability of funds to small businesses under section 7 of the Small Business Act, 15 U.S.C. 636. Section 8 of Pub. L. 92-500 amends the Small Business Act to authorize loans for assisting small business concerns in adding to or altering their equipment, facilities or methods of operation in order to meet water pollution control requirements. Additional funds are available for this purpose and should ease the problem of raising capital for small businesses.

Section 301(c) of the Act provides for modification of the effluent limitations guidelines with respect to any point source which is based on the best available technology economically achievable, upon a showing by the owner or operator of such point source satisfactory to the Administrator that such modified requirements (1) will represent the maximum use of technology within the economic capability of the owner or operator; and (2) will result in reasonable further progress toward the elimination of the discharge of pollutants.

In developing the proposed guidelines, difficulty was experienced in obtaining sufficient information and data on which to base a full and quantitative evaluation of the economic impact. The information and data available show that there will be greater economic impact on very small processors than on the rest of the industry. More information is desired, particularly on the small processor, to enable a fuller assessment of the overall impact with respect to plant closings, employment, and on local communities. Information and data are specifically requested for the following: (i) Plant revenues, (ii) Production costs, (iii) Production yields, (iv) Profits, (v) Return on investments, (vi) Pollution control costs, (vii) The level of capacity utilization for different size plants and the ability of plants to expand to a level where economies of scale can be realized; and (viii) Access to municipal disposal systems (both waste water and solids) together with the availability and costs of land for land-based disposal techniques. Information and data are also solicited in regard to the treatment effectiveness resulting from dissolved air flotation treatment of tuna, crab, and



shrimp processing waste or similar wastes.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an effluent limitation guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306 and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received within thirty days of publication of this notice in the FEDERAL REGISTER will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: January 25, 1974.

JOHN QUARLES,  
Acting Administrator.

#### PART 408—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

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408.41 Specialized definitions.  
408.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.  
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- 408.50 Applicability; description of the Alaskan crab meat processing subcategory.  
408.51 Specialized definitions.

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408.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

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- 408.60 Applicability; description of the Alaska whole crab and crab section processing subcategory.  
408.61 Specialized definitions.  
408.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.  
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##### Subpart G—Dungeness and Tanner Crab Processing in the Contiguous States Subcategory

- 408.70 Applicability; description of the dungeness and tanner crab processing in the contiguous States subcategory.  
408.71 Specialized definitions.  
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- 408.80 Applicability; description of the Alaskan shrimp processing subcategory.  
408.81 Specialized definitions.  
408.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.  
408.83 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.  
408.84 Standards of performance for new sources.  
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**Subpart I—Northern Shrimp Processing of More Than 1816 kg (4000 lbs) of Raw Material Per Day in the Contiguous States Subcategory**

Sec.

408.90 Applicability; description of the Northern shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory.

408.91 Specialized definitions.

408.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

408.93 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.

408.94 Standards of performance for new sources.

408.95 Pretreatment standards for new sources.

**Subpart J—Northern Shrimp Processing of 1816 kg (4000 lbs) or Less of Raw Material Per Day in the Contiguous States Subcategory**

408.100 Applicability; description of the Northern shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory.

408.101 Specialized definitions.

408.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

408.103 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.

408.104 Standards of performance for new sources.

408.105 Pretreatment standards for new sources.

**Subpart K—Southern Non-Breaded Shrimp Processing of More Than 1816 kg (4000 lbs) of Raw Material Per Day in the Contiguous States Subcategory**

408.110 Applicability; description of the Southern non-breaded shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory.

408.111 Specialized definitions.

408.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

408.113 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.

408.114 Standards of performance for new sources.

408.115 Pretreatment standards for new sources.

**Subpart L—Southern Non-Breaded Shrimp Processing of 1816 kg (4000 lbs) or Less of Raw Material Per Day in the Contiguous States Subcategory**

408.120 Applicability; description of the Southern non-breaded shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory.

Sec.

408.121

408.122

Specialized definitions.

Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

408.123

Effluent limitations guidelines representing the degree of effluent reduction of obtainable by the application of the best available technology economically achievable.

408.124

Standards of performance for new sources.

408.125

Pretreatment standards for new sources.

**Subpart M—Breaded Shrimp Processing of More Than 1816 kg (4000 lbs) of Raw Material Per Day in the Contiguous States Subcategory**

408.130 Applicability; description of the breaded shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory.

408.131

Specialized definitions.

408.132

Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

408.133

Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.

408.134

Standards of performance for new sources.

408.135

Pretreatment standards for new sources.

**Subpart N—Breaded Shrimp Processing of 1816 kg (4000 lbs) or Less of Raw Material Per Day in the Contiguous States Subcategory**

408.140 Applicability; description of the breaded shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory.

408.141

Specialized definitions.

408.142

Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

408.143

Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.

408.144

Standards of performance for new sources.

408.145

Pretreatment standards for new sources.

**Subpart O—Tuna Processing Subcategory**

408.150 Applicability; description of the tuna processing subcategory.

408.151

Specialized definitions.

408.152

Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

408.153

Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.

408.154

Standards of performance for new sources.

408.155

Pretreatment standards for new sources.

**Subpart A—Farm-Raised Catfish Processing of More Than 908 kg (2000 lbs) of Raw Material Per Day**

§ 408.10 Applicability; description of the farm-raised catfish processing of more than 908 kg (2000 lbs) of raw material per day subcategory.

The provisions of this subpart are applicable to discharges of process waste water pollutants from the processing of farm-raised catfish by facilities which process more than 908 kg (2000 lbs) of raw material per day on any day during a calendar year.

**§ 408.11 Specialized definitions.**

For the purpose of this subpart:

(a) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

(c) The following abbreviations shall have the following meanings: (1) "BOD<sub>5</sub>" shall mean 5-day biochemical oxygen demand, (2) "TSS" shall mean total suspended non-filterable solids, (3) "kg" shall mean kilogram(s), (4) "kkg" shall mean 1000 kilograms, and (5) "lb" shall mean pound(s).

§ 408.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD <sub>5</sub> -----	Maximum for any 1 day: 4.6 kg/kkg of seafood (4.6 lb/1,000 lb).
	Maximum average of daily values for any period of 30 consecutive days: 2.3 kg/kkg of seafood (2.3 lb/1,000 lb).
TSS -----	Maximum for any 1 day: 11.4 kg/kkg of seafood (11.4 lb/1,000 lb).
	Maximum average of daily values for any period of 30 consecutive days: 5.7 kg/kkg of seafood (5.7 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 0.90 kg/kkg of seafood (0.90 lb/1,000 lb).
	Maximum average of daily values for any period of 30 consecutive days: 0.45 kg/kkg of seafood (0.45 lb/1,000 lb).
pH -----	Within the range of 6.0 to 9.0.



**§ 408.13 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.**

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5-----	Maximum for any 1 day: 4.2 kg/kg of seafood (4.2 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 1.4 kg/kg of seafood (1.4 lb/1,000 lb).
TSS-----	Maximum for any 1 day: 4.2 kg/kg of seafood (4.2 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 1.4 kg/kg of seafood (1.4 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 1.4 kg/kg of seafood (1.4 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.45 kg/kg of seafood (0.45 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

**§ 408.14 Standards of performance for new sources.**

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants at a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5-----	Maximum for any 1 day: 0.20 kg/kg of seafood (0.20 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.10 kg/kg of seafood (0.10 lb/1,000 lb).
TSS-----	Maximum for any 1 day: 0.40 kg/kg of seafood (0.40 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.20 kg/kg of seafood (0.20 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 0.20 kg/kg of seafood (0.20 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.10 kg/kg of seafood (0.10 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

**§ 408.15 Pretreatment standards for new sources.**

The pretreatment standards under section 307(c) of the Act, for a source within the farm-raised catfish processing of more than 908 kg (2000 lb) of raw material per day subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128, of this title, except that for the purposes of this section, § 128.133 of this title, shall be amended to read as follows:

"In addition to the prohibitions set forth in section 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 408.14, 40 CFR, Part 408, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

**Subpart B—Farm-Raised Catfish Processing of 908 kg (2000 lbs) or Less of Raw Material Per Day Subcategory**

**§ 408.20 Applicability: description of the farm-raised catfish processing of 908 kg (2000 lbs) or less of raw material per day subcategory.**

The provisions of this subpart are applicable to discharges of process waste water pollutants from the processing of farm-raised catfish by facilities which process 908 kg (2000 lbs) or less of raw material per day.

**§ 408.21 Specialized definitions.**

For the purpose of this subpart:

(a) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

(c) The following abbreviations shall have the following meanings: (1) "BOD5" shall mean 5-day biochemical oxygen demand, (2) "TSS" shall mean total suspended non-filterable solids, (3) "kg" shall mean kilogram(s), (4) "kkg" shall mean 1000 kilograms, and (5) "lb" shall mean pound(s).

**§ 408.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently

available by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5-----	Maximum for any 1 day: 4.6 kg/kg of seafood (4.6 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 2.3 kg/kg of seafood (2.3 lb/1,000 lb).
TSS-----	Maximum for any 1 day: 11.4 kg/kg of seafood (11.4 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 5.7 kg/kg of seafood (5.7 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 0.90 kg/kg of seafood (0.90 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.45 kg/kg of seafood (0.45 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

**§ 408.23 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.**

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5-----	Maximum for any 1 day: 4.2 kg/kg of seafood (4.2 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 1.4 kg/kg of seafood (1.4 lb/1,000 lb).
TSS-----	Maximum for any 1 day: 4.2 kg/kg of seafood (4.2 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 1.4 kg/kg of seafood (1.4 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 1.4 kg/kg of seafood (1.4 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.45 kg/kg of seafood (0.45 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

**§ 408.24 Standards of performance for new sources.**

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by



a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5 -----	Maximum for any 1 day: 0.20 kg/kg of seafood (0.20 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.10 kg/kg of seafood (0.10 lb/1,000 lb).
TSS -----	Maximum for any 1 day: 0.40 kg/kg of seafood (0.40 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.20 kg/kg of seafood (0.20 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 0.20 kg/kg of seafood (0.20 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.10 kg/kg of seafood (0.10 lb/1,000 lb).
pH -----	Within the range of 6.0 to 9.0.

**§ 408.25 Pretreatment standards for new sources.**

The pretreatment standards under section 307(c) of the Act, for a source within the farm-raised catfish processing of 908 (kg (2000 lbs) or less of raw material per day subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title, shall be amended to read as follows:

"In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 408.24, 40 CFR, Part 408: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

**Subpart C—Conventional Blue Crab Processing Subcategory**

**§ 408.30 Applicability; description of the conventional blue crab processing subcategory.**

The provisions of this subpart are applicable to discharges of process waste water pollutants from the processing of blue crab in which manual picking or separation of crab meat from the shell is utilized.

**§ 408.31 Specialized definitions.**

For the purpose of this subpart:

(a) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971,

Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

(c) The following abbreviations shall have the following meanings: (1) "BOD5" shall mean 5-day biochemical oxygen demand, (2) "TSS" shall mean total suspended non-filterable solids, (3) "kg" shall mean kilogram(s), (4) "kgg" shall mean 1000 kilograms, and (5) "lb" shall mean pound(s).

**§ 408.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5 -----	Maximum for any 1 day: 0.30 kg/kg of seafood (0.30 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.15 kg/kg of seafood (0.15 lb/1,000 lb).
TSS -----	Maximum for any one day: 0.90 kg/kg of seafood (0.90 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.45 kg/kg of seafood (0.45 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 0.13 kg/kg of seafood (0.13 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.065 kg/kg of seafood (0.065 lb/1,000 lb).
pH -----	Within the range of 6.0 to 9.0.

**§ 408.33 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.**

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5 -----	Maximum for any 1 day: 0.36 kg/kg of seafood (0.36 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.12 kg/kg of seafood (0.12 lb/1,000 lb).

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
TSS -----	Maximum for any 1 day: 0.36 kg/kg of seafood (0.36 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.12 kg/kg of seafood (0.12 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 0.078 kg/kg of seafood (0.078 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.026 kg/kg of seafood (0.026 lb/1,000 lb).
pH -----	Within the range of 6.0 to 9.0.

**§ 408.34 Standards of performance for new sources.**

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5 -----	Maximum for any 1 day: 0.30 kg/kg of seafood (0.30 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.15 kg/kg of seafood (0.15 lb/1,000 lb).
TSS -----	Maximum for any 1 day: 0.90 kg/kg of seafood (0.90 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.45 kg/kg of seafood (0.45 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 0.13 kg/kg of seafood (0.13 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.065 kg/kg of seafood (0.065 lb/1,000 lb).
pH -----	Within the range of 6.0 to 9.0.

**§ 408.35 Pretreatment standards for new sources.**

The pretreatment standards under section 307(c) of the Act, for a source within the conventional blue crab processing subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title, shall be amended to read as follows:

"In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a



publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 408.34, 40 CFR, Part 408, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

#### Subpart D—Mechanized Blue Crab Processing Subcategory

##### § 408.40 Applicability; description of the mechanized blue crab processing subcategory.

The provisions of this subpart are applicable to discharges of process waste water pollutants from the processing of blue crab in which mechanical picking or separation of crab meat from the shell is utilized.

##### § 408.41 Specialized definitions.

For the purpose of this subpart:

(a) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

(c) The following abbreviations shall have the following meanings: (1) "BOD5" shall mean 5-day biochemical oxygen demand, (2) "TSS" shall mean total suspended non-filterable solids, (3) "kg" shall mean kilogram(s), (4) "kkg" shall mean 1000 kilograms, and (5) "lb" shall mean pound(s).

##### § 408.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5-----	Maximum for any 1 day: 6.0 kg/kkg of seafood (6.0 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 3.0 kg/kkg of seafood (3.0 lb/1,000 lb).
TSS-----	Maximum for any 1 day: 15 kg/kkg of seafood (15 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 7.4 kg/kkg of seafood (7.4 lb/1,000 lb).

Effluent characteristic	Effluent limitation
Oil and grease.	Maximum for any 1 day: 2.8 kg/kkg of seafood (2.8 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 1.4 kg/kkg of seafood (1.4 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

##### § 408.43 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5-----	Maximum for any 1 day: 5.7 kg/kkg of seafood (5.7 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 1.9 kg/kkg of seafood (1.9 lb/1,000 lb).
TSS-----	Maximum for any 1 day: 5.7 kg/kkg of seafood (5.7 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 1.9 kg/kkg of seafood (1.9 lb/1,000 lb).
grease.	Maximum for any 1 day: 1.6 kg/kkg of seafood (1.6 lb/1,000 lb).
Oil and	Maximum average of daily values for any period of 30 consecutive days: 0.53 kg/kkg of seafood (0.53 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

##### § 408.44 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5-----	Maximum for any 1 day: 5.0 kg/kkg of seafood (5.0 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 2.5 kg/kkg of seafood (2.5 lb/1,000 lb).

Effluent characteristic	Effluent limitation
TSS-----	Maximum for any 1 day: 13 kg/kkg of seafood (13 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 6.3 kg/kkg of seafood (6.3 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 2.6 kg/kkg of seafood (2.6 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 1.3 kg/kkg of seafood (1.3 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

##### § 408.45 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the mechanized blue crab processing subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title, shall be amended to read as follows:

"In addition to the prohibitions set forth in § 128.131, the pretreatment standards for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 408.44, 40 CFR, Part 408, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

#### Subpart E—Alaskan Crab Meat Processing Subcategory

##### § 408.50 Applicability; description of the Alaskan crab meat processing subcategory.

The provisions of this subpart are applicable to discharges of process waste water pollutants from the processing, in Alaska, of dungeness, tanner, and king crab meat.

##### § 408.51 Specialized definitions.

For the purpose of this subpart:

(a) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

(c) The following abbreviations shall have the following meanings: (1) "BOD5" shall mean 5-day biochemical



oxygen demand, (2) "TSS" shall mean total suspended non-filterable solids, (3) "kg" shall mean kilogram(s), (4) "kkg" shall mean 1000 kilograms, and (5) "lb" shall mean pound(s).

**§ 408.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5-----	Maximum for any 1 day: 29 kg/kkg of seafood (29 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 9.6 kg/kkg of seafood (9.6 lb/1,000 lb).
TSS-----	Maximum for any 1 day: 19 kg/kkg of seafood (19 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 6.2 kg/kkg of seafood (6.2 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 1.8 kg/kkg of seafood (1.8 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.61 kg/kkg of seafood (0.61 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

**§ 408.53 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.**

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5-----	Maximum for any 1 day: 12 kg/kkg of seafood (12 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 4.9 kg/kkg of seafood (4.9 lb/1,000 lb).
TSS-----	Maximum for any 1 day: 4.0 kg/kkg of seafood (4.0 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 1.6 kg/kkg of seafood (1.6 lb/1,000 lb).
Oil and Grease.	Maximum for any 1 day: 0.25 kg/kkg of seafood (0.25 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.10 kg/kkg of seafood (0.10 lb/1,000 lb).

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
pH-----	Within the range of 6.0 to 9.0.

**§ 408.54 Standards of performance for new sources.**

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5-----	Maximum for any 1 day: 25 kg/kkg of seafood (25 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 8.2 kg/kkg of seafood (8.2 lb/1,000 lb).
TSS-----	Maximum for any 1 day: 16 kg/kkg of seafood (16 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 5.3 kg/kkg of seafood (5.3 lb/1,000 lb).
Oil and Grease.	Maximum for any 1 day: 1.6 kg/kkg of seafood (1.6 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.52 kg/kkg of seafood (0.52 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

**§ 408.55 Pretreatment standards for new sources.**

The pretreatment standards under section 307(c) of the Act, for a source within the Alaskan crab meat processing subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title, shall be amended to read as follows:

"In addition to the prohibitions set forth in § 128.131; the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 408.54, 40 CFR, Part 408, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

**Subpart F—Alaskan Whole Crab and Crab Section Processing Subcategory**

**§ 408.60 Applicability; description of the Alaskan whole crab and crab section processing subcategory.**

The provisions of this subpart are applicable to discharges of process waste

water pollutants from the processing, in Alaska, of dungeness, tanner and king whole crab and crab sections.

**§ 408.61 Specialized definitions.**

For the purpose of this subpart:

(a) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

(c) The following abbreviations shall have the following meanings: (1) "BOD5" shall mean 5-day biochemical oxygen demand, (2) "TSS" shall mean total suspended non-filterable solids, (3) "kg" shall mean kilogram(s), (4) "kkg" shall mean 1000 kilograms, and (5) "lb" shall mean pound(s).

**§ 408.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5-----	Maximum for any 1 day: 18 kg/kkg of seafood (18 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 6.0 kg/kkg of seafood (6.0 lb/1,000 lb).
TSS-----	Maximum for any 1 day: 12 kg/kkg of seafood (12 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 3.9 kg/kkg of seafood (3.9 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 1.3 kg/kkg of seafood (1.3 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.42 kg/kkg of seafood (0.42 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

**§ 408.63 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.**

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:



<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5 -----	Maximum for any 1 day: 7.8 kg/kg of seafood (7.8 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 3.1 kg/kg of seafood (3.1 lb/1,000 lb).
TSS -----	Maximum for any 1 day: 2.5 kg/kg of seafood (2.5 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.99 kg/kg of seafood (0.99 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 0.22 kg/kg of seafood (0.22 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.072 kg/kg of seafood (0.072 lb/1,000 lb).
pH -----	Within the range of 6.0 to 9.0.

#### § 408.64 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5 -----	Maximum for any 1 day: 15 kg/kg of seafood (15 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 5.1 kg/kg of seafood (5.1 lb/1,000 lb).
TSS -----	Maximum for any 1 day: 9.9 kg/kg of seafood (9.9 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 3.3 kg/kg of seafood (3.3 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 1.1 kg/kg of seafood (1.1 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.36 kg/kg of seafood (0.36 lb/1,000 lb).
pH -----	Within the range of 6.0 to 9.0.

#### § 408.65 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the Alaskan whole crab and crab section subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth

in Part 128 of this title, except that for the purposes of of this section, § 128.133 of this title shall be amended to read as follows:

"In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 408.64, 40 CFR Part 408, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

#### Subpart G—Dungeness and Tanner Crab Processing in the Contiguous States Subcategory

§ 408.70 Applicability; description of the dungeness and tanner crab processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges of process waste water pollutants from the processing of dungeness and tanner crab in the contiguous States.

#### § 408.71 Specialized definitions.

For the purpose of this subpart:

(a) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Waste," 1971. Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(b) The term "seafood" shall mean the raw material including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

(c) The following abbreviations shall have the following meanings: (1) "BOD5" shall mean 5-day biochemical oxygen demand, (2) "TSS" shall mean total suspended non-filterable solids, (3) "kg" shall mean kilogram(s), (4) "kkg" shall mean 1000 kilograms, and (5) "lb" shall mean pound(s).

§ 408.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5 -----	Maximum for any 1 day: 12 kg/kg of seafood (12 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 4.8 kg/kg of seafood (4.8 lb/1,000 lb).

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
TSS -----	Maximum for any 1 day: 2.0 kg/kg of seafood (2.0 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.81 kg/kg of seafood (0.81 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 0.30 kg/kg of seafood (0.30 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.12 kg/kg of seafood (0.12 lb/1,000 lb).
pH -----	Within the range of 6.0 to 9.0.

§ 408.73 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5 -----	Maximum for any 1 day: 1.8 kg/kg of seafood (1.8 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.92 kg/kg of seafood (0.92 lb/1,000 lb).
TSS -----	Maximum for any 1 day: 4.6 kg/kg of seafood (4.6 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 2.3 kg/kg of seafood (2.3 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 0.11 kg/kg of seafood (0.11 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.057 kg/kg of seafood (0.057 lb/1,000 lb).
pH -----	Within the range of 6.0 to 9.0.

#### § 408.74 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a point source subject to the provisions of this subpart:



<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD <sub>5</sub> -----	Maximum for any 1 day: 10 kg/kg of seafood (10 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 4.1 kg/kg of seafood (4.1 lb/1,000 lb).
TSS-----	Maximum for any 1 day: 1.7 kg/kg of seafood (1.7 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.69 kg/kg of seafood (0.69 lb/1,000 lb).
Oil and grease--	Maximum for any 1 day: 0.14 kg/kg of seafood (0.14 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.057 kg/kg of seafood (0.057 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

#### § 408.75 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the dungeness and tanner crab processing in the contiguous States subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read as follows:

"In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 408.74, 40 CFR, Part 408 provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

#### Subpart H—Alaskan Shrimp Processing Subcategory

##### § 408.80 Applicability; description of the Alaskan shrimp processing subcategory.

The provisions of this subpart are applicable to discharges of process waste water pollutants from the processing of shrimp in Alaska.

##### § 408.81 Specialized definitions.

For the purpose of this subpart:

(a) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Waste," 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

(c) The following abbreviations shall have the following meanings: (1) "BOD<sub>5</sub>" shall mean 5-day biochemical oxygen demand, (2) "TSS" shall mean total suspended nonfilterable solids, (3) "kg" shall mean kilogram(s), (4) "kkg" shall mean 1,000 kilograms, and (5) "lb" shall mean pound(s).

##### § 408.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants pollutant properties which may be discharged after application of the best practicable control technology currently achievable by a point source subject to provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD <sub>5</sub> -----	Maximum for any 1 day: 360 kg/kg of seafood (360 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 120 kkg of seafood (56 lb/kg/kg of seafood (120 lb/1,000 lb)).
TSS-----	Maximum for any 1 day: 320 kg/kg of seafood (320 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 210 kg/kg of seafood (210 lb/1,000 lb).
Oil and grease--	Maximum for any 1 day: kg/kg of seafood (5.5 lb/lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 13 kg/kg of seafood (13 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

##### § 408.83 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD <sub>5</sub> -----	Maximum for any 1 day: 160 kg/kg of seafood (160 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 64 kg/kg of seafood (64 lb/1,000 lb).
TSS-----	Maximum for any 1 day: 140 kg/kg of seafood (140 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 56 kg/kg of seafood (56 lb/1,000 lb).

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
Oil and grease--	Maximum for any 1 day: 5.5 kg/kg of seafood (5.5 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 2.2 kg/kg of seafood (2.2 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

##### § 408.84 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD <sub>5</sub> -----	Maximum for any 1 day: 300 kg/kg of seafood (300 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 100 kg/kg of seafood (100 lb/1,000 lb).
TSS-----	Maximum for any 1 day: 270 kg/kg of seafood (270 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 180 kg/kg of seafood (180 lb/1,000 lb).
Oil and grease--	Maximum for any 1 day: 33 kg/kg of seafood (33 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 11 kg/kg of seafood (11 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

##### § 408.85 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the Alaskan shrimp processing subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title, shall be amended to read as follows:

"In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 408.84, 40 CFR, Part 408, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of



such treatment works shall be correspondingly reduced for that pollutant."

**Subpart I—Northern Shrimp Processing of More Than 1816 kg (4000 lbs) of Raw Material Per Day in the Contiguous States Subcategory**

§ 408.90 **Applicability; description of the Northern shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory.**

The provisions of this subpart are applicable to discharges of process waste water pollutants from the processing of shrimp in the Northern contiguous States; including Washington, Oregon, California, Maine, New Hampshire, and Massachusetts. The effluent limitations contained in subpart I are applicable to facilities which process more than 1816 kg (4000 lbs) of raw material per day on any day during a calendar year.

§ 408.91 **Specialized definitions.**

For the purpose of this subpart:

(a) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method describing in "Methods for Chemical Analysis of Water and Waste," 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

(c) The following abbreviations shall have the following meanings: (1) "BOD<sub>5</sub>" shall mean 5-day biochemical oxygen demand, (2) "TSS" shall mean total suspended non-filterable solids, (3) "kg" shall mean kilogram(s), (4) "kkg" shall mean 1000 kilograms, and (5) "lb" shall mean pound(s).

§ 408.92 **Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD <sub>5</sub> -----	Maximum for any 1 day: 180 kg/kkg of seafood (180 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 70 kg/kkg of seafood (70 lb/1,000 lb).
TSS-----	Maximum for any 1 day: 40 kg/kkg of seafood (40 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 16 kg/kkg of seafood (16 lb/1,000 lb).

Effluent characteristic	Effluent limitation
Oil and grease.	Maximum for any 1 day: 16 kg/kkg of seafood (16 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 6.3 kg/kkg of seafood (6.3 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

§ 408.93 **Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.**

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD <sub>5</sub> -----	Maximum for any 1 day: 7.6 kg/kkg of seafood (7.6 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 3.8 kg/kkg of seafood (3.8 lb/1,000 lb).
TSS-----	Maximum for any 1 day: 19 kg/kkg of seafood (19 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 9.6 kg/kkg of seafood (9.6 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 0.48 kg/kkg of seafood (0.48 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.24 kg/kkg of seafood (0.24 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

§ 408.94 **Standards of performance for new sources.**

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD <sub>5</sub> -----	Maximum for any 1 day: 155 kg/kkg of seafood (155 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 62 kg/kkg of seafood (62 lb/1,000 lb).

Effluent characteristic	Effluent limitation
TSS-----	Maximum for any 1 day: 38 kg/kkg of seafood (38 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 15 kg/kkg of seafood (15 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 14 kg/kkg of seafood (14 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 5.7 kg/kkg of seafood (5.7 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

§ 408.95 **Pretreatment standards for new sources.**

The pretreatment standards under section 307(c) of the Act, for a source within the Northern shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read as follows:

"In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 408.94, 40 CFR, Part 408, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

**Subpart J—Northern Shrimp Processing of 1816 kg (4000 lbs) or Less of Raw Material Per Day in the Contiguous States Subcategory**

§ 408.100 **Applicability; description of the Northern shrimp processing of 1816 kg (4,000 lbs) or less of raw material per day in the contiguous States subcategory.**

The provisions of this subpart are applicable to discharges of process waste water pollutants from the processing of shrimp in the Northern contiguous States, including Washington, Oregon, California, Maine, New Hampshire, and Massachusetts. The effluent limitations contained in Subpart J are applicable to facilities which process 1816 kg (4000 lbs) or less of raw material per day.

§ 408.101 **Specialized definitions.**

For the purpose of this subpart:

(a) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in "Methods for Chemical



Analysis of Water and Wastes," 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

(c) The following abbreviations shall have the following meanings: (1) "BOD5" shall mean 5-day biochemical oxygen demand, (2) "TSS" shall mean total suspended non-filterable solids, (3) "kg" shall mean kilogram(s), (4) "kkg" shall mean 1000 kilograms, and (5) "lb" shall mean pound(s).

§ 408.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5 -----	Maximum for any 1 day: 360 kg/kg of seafood (360 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 120 kg/kg of seafood (120 lb/1,000 lb).
TSS -----	Maximum for any 1 day: 160 kg/kg of seafood (160 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 54 kg/kg of seafood (54 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 96 kg/kg of seafood (96 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 32 kg/kg of seafood (32 lb/1,000 lb).
pH -----	Within the range of 6.0 to 9.0.

§ 408.103 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5 -----	Maximum for any 1 day: 155 kg/kg of seafood (155 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 62 kg/kg of seafood (62 lb/1,000 lb).

#### Effluent characteristic

TSS -----

Oil and grease.

pH -----

#### Effluent limitation

Maximum for any 1 day: 38 kg/kg of seafood (38 lb/1,000 lb).

Maximum average of daily values for any period of 30 consecutive days: 15 kg/kg of seafood (15 lb/1,000 lb).

Maximum for any 1 day: 14 kg/kg of seafood (14 lb/1,000 lb).

Maximum average of daily values for any period of 30 consecutive days: 5.7 kg/kg of seafood (5.7 lb/1,000 lb).

Within the range of 6.0 to 9.0.

§ 408.104 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5 -----	Maximum for any 1 day: 155 kg/kg of seafood (155 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 62 kg/kg of seafood (62 lb/1,000 lb).
TSS -----	Maximum for any 1 day: 38 kg/kg of seafood (38 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 15 kg/kg of seafood (15 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 14 kg/kg of seafood (14 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 5.7 kg/kg of seafood (5.7 lb/1,000 lb).
pH -----	Within the range of 6.0 to 9.0.

§ 408.105 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the Northern shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title, shall be amended to read as follows:

"In addition to the prohibitions set forth in § 128.131, the pretreatment standard for

incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 408.104, 40 CFR, Part 408, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart K—Southern Non-Breaded Shrimp Processing of More Than 1816 kg (4000 lbs) of Raw Material Per Day in the Contiguous States Subcategory

§ 408.110 Applicability; description of the Southern non-breaded shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges of process waste water pollutants from the processing of non-breaded shrimp in the Southern contiguous States, including North and South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. The effluent limitations contained in Subpart K are applicable to facilities which process more than 1816 kg (4000 lbs) of raw material per day on any day during a calendar year.

§ 408.111 Specialized definitions.

For the purpose of this subpart:

(a) The term "oil and grease" shall mean those components of a waste water amendable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

(c) The following abbreviations shall have the following meanings: (1) "BOD5" shall mean 5-day biochemical oxygen demand, (2) "TSS" shall mean total suspended non-filterable solids, (3) "kg" shall mean kilogram(s), (4) "kkg" shall mean 1000 kilograms, and (5) "lb" shall mean pound(s).

§ 408.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5 -----	Maximum for any 1 day: 70 kg/kg of seafood (70 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 28 kg/kg of seafood (28 lb/1,000 lb).



<i>Effluent characteristic</i>	<i>Effluent limitation</i>
TSS-----	Maximum for any 1 day: 28 kg/kg of seafood (28 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 11 kg/kg of seafood (11 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 4.5 kg/kg of seafood (4.5 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 1.8 kg/kg of seafood (1.8 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

§ 408.113 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5-----	Maximum for any 1 day: 6.0 kg/kg of seafood (6.0 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 3.0 kg/kg of seafood (3.0 lb/1,000 lb).
TSS-----	Maximum for any 1 day: 15 kg/kg of seafood (15 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 7.6 kg/kg of seafood (7.6 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 0.38 kg/kg of seafood (0.38 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.19 kg/kg of seafood (0.19 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

§ 408.114 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5-----	Maximum for any 1 day: 63 kg/kg of seafood (63 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 25 kg/kg of seafood (25 lb/1,000 lb).

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
TSS-----	Maximum for any 1 day: 25 kg/kg of seafood (25 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 10 kg/kg of seafood (10 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 4.0 kg/kg of seafood (4.0 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 1.6 kg/kg of seafood (1.6 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

§ 408.115 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the Southern non-breaded shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title except that for the purposes of this section, § 128.133 of this title shall be amended to read as follows:

"In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 408.114, 40 CFR, Part 408, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

**Subpart L—Southern Non-Breaded Shrimp Processing 1816 kg (4000 lbs) or Less of Raw Material Per Day in the Contiguous States Subcategory**

§ 408.120 Applicability; description of the Southern non-breaded shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges of process waste water pollutants from the processing of non-breaded shrimp in the Southern contiguous States, including North and South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. The effluent limitations contained in Subpart L are applicable to facilities which process 1816 kg (4000 lbs) or less of raw material per day.

§ 408.121 Specialized definitions.

For the purpose of this subpart:

(a) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes", 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

(c) The following abbreviations shall have the following meanings: (1) "BOD5" shall mean 5-day biochemical oxygen demand, (2) "TSS" shall mean total suspended non-filterable solids, (3) "kg" shall mean kilogram(s), (4) "kkg" shall mean 1000 kilograms, and (5) "lb" shall mean pound(s).

§ 408.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5-----	Maximum for any 1 day: 140 kg/kg of seafood (140 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 46 kg/kg of seafood (46 lb/1,000 lb).
TSS-----	Maximum for any 1 day: 110 kg/kg of seafood (110 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 38 kg/kg of seafood (38 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 27 kg/kg of seafood (27 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 9 kg/kg of seafood (9 lb/1,000 lb).
pH-----	Within the range of 6.0 to 9.0.

§ 408.123 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5-----	Maximum for any 1 day: 63 kg/kg of seafood (63 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 25 kg/kg of seafood (25 lb/1,000 lb).
TSS-----	Maximum for any 1 day: 25 kg/kg of seafood (25 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 10 kg/kg of seafood (10 lb/1,000 lb).



<i>Effluent characteristic</i>	<i>Effluent limitation</i>
Oil and grease.	Maximum for any 1 day: 4.0 kg/kg of seafood (4.0 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 1.6 kg/kg of seafood (1.6 lb/1,000 lb).
pH	Within the range of 6.0 to 9.0.

#### § 408.124 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD <sub>5</sub>	Maximum for any 1 day: 63 kg/kg of seafood (63 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 25 kg/kg of seafood (25 lb/1,000 lb).
TSS	Maximum for any 1 day: 25 kg/kg of seafood (25 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 10 kg/kg of seafood (10 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 4 kg/kg of seafood (4 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 1.6 kg/kg of seafood (1.6 lb/1,000 lb).
pH	Within the range of 6.0 to 9.0.

#### § 408.125 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the act, for a source within the Southern non-breaded shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title, shall be amended to read as follows:

"In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 408.124, 40 CFR, Part 408, provided that, if the publicly owned treatment works which

receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

#### Subpart M—Breaded Shrimp Processing of More Than 1816 kg (4000 lbs) of Raw Material Per Day in the Contiguous States Subcategory

§ 408.130 Applicability; description of the breaded shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory.

The provisions of this subpart are applicable to discharge of process waste water pollutants from the processing of breaded shrimp in the contiguous States facilities which process more than 1816 kg (4000 lbs) of raw material per day on any day during a calendar year.

#### § 408.131 Specialized definitions.

For the purpose of this subpart:

(a) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

(c) The following abbreviations shall have the following meanings: (1) "BOD<sub>5</sub>" shall mean 5-day biochemical oxygen demand, (2) "TSS" shall mean total suspended non-filterable solids, (3) "kg" shall mean kilogram(s), (4) "kkg" shall mean 1000 kilograms, and (5) "lb" shall mean pound(s).

§ 408.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD <sub>5</sub>	Maximum for any 1 day: 125 kg/kg of seafood (125 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 50 kg/kg of seafood (50 lb/1,000 lb).
TSS	Maximum for any 1 day: 70 kg/kg of seafood (70 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 28 kg/kg of seafood (28 lb/1,000 lb).

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
Oil and grease.	Maximum for any 1 day: 4.5 kg/kg of seafood (4.5 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 1.8 kg/kg of seafood (1.8 lb/1,000 lb).
pH	Within the range of 6.0 to 9.0.

§ 408.133 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD <sub>5</sub>	Maximum for any 1 day: 9.2 kg/kg of seafood (9.2 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 4.6 kg/kg of seafood (4.6 lb/1,000 lb).
TSS	Maximum for any 1 day: 24 kg/kg of seafood (24 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 12 kg/kg of seafood (12 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 0.58 kg/kg of seafood (0.58 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.29 kg/kg of seafood (0.29 lb/1,000 lb).
pH	Within the range of 6.0 to 9.0.

#### § 408.134 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD <sub>5</sub>	Maximum for any 1 day: 100 kg/kg of seafood (100 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 40 kg/kg of seafood (40 lb/1,000 lb).



<i>Effluent characteristic</i>	<i>Effluent limitation</i>
TSS -----	Maximum for any 1 day: 55 kg/kg of seafood (55 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 22 kg/kg of seafood (22 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 3.8 kg/kg of seafood (3.8 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 1.5 kg/kg of seafood (1.5 lb/1,000 lb).
pH -----	Within the range of 6.0 to 9.0.

#### § 408.135 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the breaded shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title, shall be amended to read as follows:

"In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 408.144, 40 CFR, Part 408, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

#### Subpart N—Breaded Shrimp Processing of 1816 kg (4000 lbs) or Less of Raw Material Per Day in the Contiguous States Subcategory

§ 408.140 Applicability; description of the breaded shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges of process waste water pollutants from the processing of breaded shrimp in the contiguous States by facilities which process 1816 kg (4000 lbs) or less of raw material per day.

#### § 408.141 Specialized definitions.

For the purpose of this subpart:  
(a) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be

processed, in the form in which it is received at the processing plant.

(c) The following abbreviations shall have the following meanings: (1) "BOD5" shall mean 5-day biochemical oxygen demand, (2) "TSS" shall mean total suspended non-filterable solids, (3) "kg" shall mean kilogram(s), (4) "kkg" shall mean 1000 kilograms, and (5) "lb" shall mean pound(s).

§ 408.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5 -----	Maximum for any 1 day: 250 kg/kg of seafood (250 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 84 kg/kg of seafood (84 lb/1,000 lb).
TSS -----	Maximum for any 1 day: 280 kg/kg of seafood (280 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 93 kg/kg of seafood (93 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 27 kg/kg of seafood (27 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 9 kg/kg of seafood (9 lb/1,000 lb).
pH -----	Within the range of 6.0 to 9.0.

§ 408.143 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5 -----	Maximum for any 1 day: 100 kg/kg of seafood (100 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 40 kg/kg of seafood (40 lb/1,000 lb).
TSS -----	Maximum for any 1 day: 55 kg/kg of seafood (55 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 22 kg/kg of seafood (22 lb/1,000 lb).

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
Oil and grease.	Maximum for any 1 day: 3.8 kg/kg of seafood (3.8 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 1.5 kg/kg of seafood (1.5 lb/1,000 lb).
pH -----	Within the range of 6.0 to 9.0.

#### § 408.144 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a point source subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitation</i>
BOD5 -----	Maximum for any 1 day: 100 kg/kg of seafood (100 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 40 kg/kg of seafood (40 lb/1,000 lb).
TSS -----	Maximum for any 1 day: 55 kg/kg of seafood (55 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 22 kg/kg of seafood (22 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 3.8 kg/kg of seafood (3.8 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 1.5 kg/kg of seafood (1.5 lb/1,000 lb).
pH -----	Within the range of 6.0 to 9.0.

#### § 408.145 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the breaded shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title, shall be amended to read as follows:

"In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 408.144, 40 CFR, Part 408, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified per-



centage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

#### Subpart O—Tuna Processing Subcategory

##### § 408.150 Applicability; description of the tuna processing subcategory.

The provisions of this subpart are applicable to discharges of process waste water pollutants from the processing of tuna.

##### § 408.151 Specialized definitions.

For the purpose of this subpart:

(a) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

(c) The following abbreviations shall have the following meanings: (1) "BOD5" shall mean 5-day biochemical oxygen demand, (2) "TSS" shall mean total suspended non-filterable solids, (3) "kg" shall mean kilogram(s), (4) "kkg" shall mean 1000 kilograms, and (5) "lb" shall mean pound(s).

##### § 408.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provision of this subpart:

Effluent Characteristic	Effluent limitation
BOD5	Maximum for any 1 day: 20 kg/kg of seafood (20 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 7.8 kg/kg of seafood (7.8 lb/1,000 lb).

Effluent characteristic	Effluent limitation
TSS	Maximum for any 1 day: 7.5 kg/kg of seafood (7.5 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 3.0 kg/kg of seafood (3.0 lb/1,000 lb). Maximum for any 1 day: 2.2 kg/kg of seafood (2.2 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.87 kg/kg of seafood (0.87 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 2.2 kg/kg of seafood (2.2 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.87 kg/kg of seafood (0.87 lb/1,000 lb).
pH	Within the range of 6.0 to 9.0.

##### § 408.153 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any 1 day: 1.8 kg/kg of seafood (1.8 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.51 kg/kg of seafood (0.51 lb/1,000 lb).
TSS	Maximum for any 1 day: 1.8 kg/kg of seafood (1.8 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.51 kg/kg of seafood (0.51 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 0.22 kg/kg of seafood (0.22 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.064 kg/kg of seafood (0.064 lb/1,000 lb).
pH	Within the range of 6.0 to 9.0.

##### § 408.154 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of

effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any 1 day: 18 kg/kg of seafood (18 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 7.0 kg/kg of seafood (7.0 lb/1,000 lb).
TSS	Maximum for any 1 day: 6.8 kg/kg of seafood (6.8 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 2.7 kg/kg of seafood (2.7 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 2.0 kg/kg of seafood (2.0 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.78 kg/kg of seafood (0.78 lb/1,000 lb).
pH	Within the range of 6.0 to 9.0.

##### § 408.155 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the tuna processing subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title; except that for the purposes of this section, § 128.133 of this title shall be amended to read as follows:

"In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 408.154, 40 CFR, Part 408, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

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PART III



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## **DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**Public Health Service**

**Social and Rehabilitation  
Service**



### **STERILIZATION RESTRICTIONS**

**Federally Funded Programs and Projects**



Title 42—Public Health  
CHAPTER I—PUBLIC HEALTH SERVICE,  
DEPARTMENT OF HEALTH, EDUCATION,  
AND WELFARE

SUBCHAPTER D—GRANTS

PART 50—POLICIES OF GENERAL  
APPLICABILITY

Sterilization of Persons by Federally  
Assisted Family Planning Projects

On August 3, 1973, the Department published a notice of Guidelines for Sterilization Procedures under HEW Supported Programs in the FEDERAL REGISTER (38 FR 20930). The notice directed that the policies set forth in the guidelines be implemented through regulations issued by the affected agencies in the Department. On September 21, 1973, notices of proposed rulemaking were published in the FEDERAL REGISTER (38 FR 26459) to amend the Public Health Service (PHS) and Social and Rehabilitation Service (SRS) regulations. The regulations proposed that programs or projects supported with Federal funds administered by the Public Health Service shall not perform nor arrange for the performance of a nontherapeutic sterilization of any person who is under the age of twenty-one or who is legally incapable of giving informed consent to the sterilization, even though a consent has been given by a parent, guardian or other person authorized by State law, unless a Review Committee (established in accordance with the regulations) has reviewed and approved the procedure. If there is no consent authorized by State law, the sterilization procedure would not, in any event, be authorized—nor would Federal financial participation be permitted. If the individual upon whom the proposed sterilization is to be performed belongs to the class of persons who are legally incapable of consenting on their own behalf—because the person (1) under State law, is a minor whose consent would not be legally effective (2) has been adjudicated incompetent, or (3) appears incapable of giving informed consent because of a mental condition or lack of mental capacity—regulations would, in addition to Review Committee approval, require a judicial determination that the proposed sterilization is in the best interest of the patient. The Social and Rehabilitation Service regulations proposed that for SRS supported programs there shall be no Federal financial participation in expenditures for such sterilizations unless prescribed procedures, consistent with those described above in the PHS proposal, were followed.

Interested persons were invited to participate in the rulemaking through the submission of comments and some 300 comments were received and reviewed with the result that a number of revisions, as discussed below, have been made in the regulations which were proposed.

Before discussing the comments and the revisions, it is desirable to make a number of general observations. The Department of Health, Education, and Welfare is of the view that sterilization is

one of a number of acceptable methods of family planning and that Federal funding of projects which provide family planning services, including sterilization, is an appropriate means of offering such services to those who desire but might not otherwise be able to afford those services. It has been and continues to be the policy of the Department that it will provide funds only for voluntary sterilizations, i.e., either the patient consents or, where the patient is unable to consent, an acceptable substitute consent is obtained. On the other hand, the Department, in adopting these regulations recognizes the existence of classes composed of persons who because of age or other disability, should not be sterilized unless certain procedures specifically designed to protect their rights are scrupulously observed. It is the conviction of the Department that an outright prohibition on Federal financial participation in sterilizations of such persons could result in an unfair denial of services to the medically indigent. Such services are not only available to those able to pay therefor, but are in fact, utilized by them. Thus such a flat prohibition is overly simplistic in approach. The goal of the Department is to protect the rights of those groups concerned without so encumbering the process as to make such services effectively unavailable.

Basic to an understanding of the regulations is the fact that they deal only with the conditions of Federal financial participation and do not nullify State safeguards concerning the same subject matter. The procedures and guarantees here provided for are in addition to any provided by State law. A sterilization not authorized by State law will not become authorized, nor will Federal financial participation be permitted, under the terms of the regulation.

It is against this background that we turn to the comments received in response to the notices of rulemaking and the revisions in the regulations.

SCOPE OF THE REGULATIONS

1. As proposed, the provisions of the subpart were directed toward the protection of two classes of persons—individuals under the age of 21 and those legally incapable of consenting, and did not purport to deal with the need for acquiring consent from competent adults. However, in response to many comments evincing concern, the regulations have been amended to require Federally assisted programs or projects to obtain written informed consent from every competent individual on whom a non-emergency sterilization is to be performed (PHS, 42 CFR 50.203(b), and SRS, 45 CFR 205.35(a) (1) (ii)) and “informed consent” has been defined in the regulations (PHS, 42 CFR 50.202(f) and SRS, 45 CFR 205.35(a) (2) (ii)). Moreover, written consent is now required to be obtained from any minor who is incapable of giving a legally effective informed consent merely because of age in any case in which it is proposed to perform a nontherapeutic sterilization on such a minor.

2. A number of persons urged that to avoid abuses of discretion particularly with respect to the mentally retarded, committee and court review should be required for all nonemergency sterilizations. We have not extended committee and court review requirements to therapeutic sterilizations. However, as a result of these comments the term “sterilization” has been changed to “nontherapeutic sterilization” and has been defined more precisely to exclude from the necessity of committee and court review only those sterilizations which are (1) a necessary part of the treatment of an existing illness or injury, or (2) medically indicated as an accompaniment of an operation on the female genitourinary tract. The latter portion of the definition is needed to exclude from committee and court review a narrow group of therapeutic sterilizations which, while not part of the treatment of an existing illness, are medically indicated to prevent future possible harm, e.g. future cesarean sections. The definition of the term also specifies that mental incapacity is not considered an illness or injury for which sterilization may be a part of the treatment.

3. A number of comments, after noting that women in labor or shortly after delivery are in no position to consent in an informed manner to sterilization, suggested a waiting period of 7 to 10 days between the consent and the sterilization. We agree with the establishment of a waiting period for consideration of the decision to be sterilized but believe that adoption of a 7-10 day waiting period would, in effect, deprive certain persons of the opportunity for sterilization, namely those persons who receive no prenatal care and because of familial responsibilities could not be expected to return to the hospital for a nontherapeutic sterilization. Accordingly, the regulations have been revised to require at least a 72 hour period between consent and the sterilization. (PHS, 42 CFR 50.203(b) and SRS (45 CFR 205.35(a) (1) (iii)).

4. Several persons advocated the elimination of any minimum age for committee review and that the effectiveness of consent, and therefore the need for committee review, should be based on minority status, which is solely a matter of State law. Others urged that, in any event, 21 was too high an age at which to invoke the need for committee review in view of the number of States adopting 18 as the age of majority. Still others contended that the regulations should prohibit sterilization of any person under the age of 18.

While we believe that twenty-one may set the age at too high a level, we continue to believe that some minimum age should be set for requiring at least committee review. Accordingly, the regulations have been amended to require the age limit for committee review be set at eighteen, even though State law may set a lower age for permitting consent to sterilization. (PHS, 42 CFR 50.203(c), and SRS, 45 CFR 205.35(a) (1) (iv)). The purpose of the regulations is to subject



the decisions of the young to committee scrutiny in light of the consequences of such decisions.

As has already been stated, absolute denial of sterilization to persons under eighteen regardless of the circumstances is unacceptable to the Department.

#### WAIVER OF REGULATIONS

To avoid duplication, a new provision has been added to provide for waiver of the regulations if on written application by the State, in the judgment of the Secretary, the State law provides substantially the same protection to the classes of persons the Department regulations seek to protect. (PHS, 42 CFR 50.204, and SRS 45 CFR 205.35(b).) The section also provides for partial waivers i.e. for only those areas in which the law is deemed adequate. Notice of every request for waiver will be published in the Federal Register with opportunity for public comment prior to any Secretarial determination.

#### REVIEW COMMITTEE SELECTION, COMPOSITION, DUTIES, AND PROCEDURES

1. A number of those submitting comments objected to the selection of Review Committee members by project officials in the proposed PHS regulations. We believe that the project officials operating in the community served are in the best position to select responsible members from that community for the committee. These regulations have been revised, however, to require every PHS assisted program or project to advise the Secretary, in writing, of the names and qualifications of the committee members it proposes to appoint. It is contemplated that such documents will be reviewed by the Regional Office which will notify the program whether its committee meets the criteria for committee membership established in the regulations. (PHS 42 CFR 50.205(a).) With respect to SRS programs, because the appointing agency will be a State agency with which there are established relationships and established procedures for determining State plan compliance, SRS will enforce such membership requirements through existing compliance procedures.

2. The proposed regulations provided that at least one member of the committee shall be a representative selected from the population served by the project. Many comments urged an increase in the number of consumer representatives on the committee, some of them urging a majority. It should be noted that the proposed regulations permitted appointment of more than one such representative. Furthermore, in those cases involving a person legally incapable of consenting, the chance of an arbitrary committee decision being effectuated is minimized by the requirement of subsequent court review. Nevertheless, the merits of reinforcing consumer participation are clear and in view of the widespread concern expressed, the regulations have been revised to provide that at least two members shall be selected from the population served by the program or

project. (PHS, 42 CFR 50.205(d), and SRS, 45 CFR 205.35(a)(3)(iv).) It is recognized that such an increase may require a corresponding increase in the total membership of the committee to enable it to meet the other required qualifications.

3. Requiring the appointment of an advocate to represent the patient at all stages of committee proceedings has been considered and rejected. Since only voluntary sterilizations are involved, anyone acting as advocate for the patient theoretically would be in the position of convincing the members of the Review Committee that sterilization was in the patient's best interest. Furthermore, in those cases involving persons incapable of providing legal consent for themselves, court review of the matter obviates the need for a patient advocate during committee proceedings. Experience in related areas makes the appointment of a guardian ad litem in the court procedure a likelihood.

4. In response to a substantial number of comments on the subject, several provisions have been added which concern committee procedures. Sections 50.206(c) and 205.35(a)(4)(iii) now provide that the Committee determination required by the regulations may be made only at a convened meeting of the Committee, permitting an exchange of views which is considered essential in the decision-making process, and upon the affirmative vote of a majority of the members of the full Committee. Moreover, the regulations now require that in recording its findings and determinations the vote of each individual member of the Committee shall be noted. Finally, new provisions have been added which declare that each committee shall adopt written by-laws or rules of procedure which reflect and are consistent with these regulations and which are available to the public on request. (42 CFR 50.206(d) and 45 CFR 205.35(a)(4)(iv).)

5. Some comments were critical of the proposed regulations because they failed to contain a definition of "patient best interest." It was originally felt that the phrase was sufficiently understood and that attempts at articulating a definition would cause more problems of construction than it would solve. However, the proposed regulations have been amended (42 CFR 50.206(a) and 45 CFR 205.35(a)(4)(i)) to set forth some factors which the committee must take into consideration in making the required determination.

#### ADDITIONAL ISSUES

1. A number of comments expressed concern over the lack of a provision with respect to confidentiality. Express provisions governing confidentiality of Review Committee proceedings, findings, determinations, and supporting documents have been added to the regulations. (42 CFR 50.207 and 45 CFR 205.35(a)(4)(v).)

2. We understand that without an express grant of authority, some State courts may hold that they have no jurisdiction to approve the sterilization of

persons legally incapable of consenting for themselves. Since the Department continues to believe that court approval is a vital protection to the rights of such persons, that requirement will be retained even at the risk of denying sterilizations in some cases in which they would be desirable. The final regulations continue to require judicial approval of committee approved sterilizations of persons legally incapable of consenting to the procedures.

3. A few comments questioned whether Federal funds for Review Committee expenses and other fees resulting from a program or project complying with this subpart, are proper expenses of the grant. We will recognize such expenses as legitimate grant or program administrative costs but do not feel that it is necessary to elaborate on that issue in these regulations.

4. A number of comments suggested that in the absence of parental consent the regulations should prohibit sterilization of persons required to be referred to the Committee. The disadvantages of permitting a sterilization of such persons in the absence of parental consent are obvious. Nevertheless there may be instances, admittedly rare, where to withhold sterilization, even in the absence of parental consent, would be adverse to the best interest of the patient. The regulations now require the Committee to interview the parents if available, and the Committee must take their views into consideration. To assure this, the regulations have been amended (PHS, 42 CFR 50.208(c), and SRS 45CFR 205.35(a)(5)(ii)) to require that in the absence of parental consent no further action on any sterilization approved by the Review Committee shall be taken, even though State law does not require parental consent, unless the Committee's findings and determination expressly include its reasons for approval despite the absence of parental consent. In no case will sterilization be permitted, absent parental consent, if State law requires such consent.

5. A number of comments expressed concern that § 50.303(c) of the proposed PHS regulation (now § 50.203(d)), which provides that subpart B is not intended to require any program or project to perform or arrange for a sterilization, somehow effects a change in departmental policy with regard to the kinds of family planning services which must be provided by an applicant for Federal financial assistance. That is not the case. The requirements imposed upon Federal grantees with respect to family planning projects are contained in 42 CFR Part 59, Subpart A, and in particular § 59.5(g) which requires that all grantees provide a broad range of family planning methods. Whether or not a particular grantee must offer sterilization services as one of the broad range of services required will continue to be evaluated on the basis of the program regulations and the policies implemented thereunder.

The sole purpose of § 50.203(d) is to negate the implication that, because the Department is setting procedures for the performance of sterilization on minors



and certain other incompetents, the Department is thereby requiring grantees to perform or arrange for the performance of the sterilization of such persons.

6. Finally, the scope of the phrase "arranging for a sterilization" has been clarified in § 50.203 of the PHS regulations as meaning the active participation in the planning of the operation including the making of an appointment for the patient or providing the funds for the sterilization, but as not including the mere referral of the patient elsewhere.

Accordingly, having considered all of the comments submitted, in Title 42, a new Subpart B is added to Part 50, as set forth below, effective on February 6, 1974, applicable to existing programs and projects as well as to programs or projects approved for Federal support on or after that date.

Dated: January 28, 1974.

CHARLES C. EDWARDS,  
Assistant Secretary for Health.

Dated: January 28, 1974.

JAMES S. DWIGHT, Jr.,  
Administrator, Social and  
Rehabilitation Service.

Approved January 29, 1974.

CASPAR W. WEINBERGER,  
Secretary.

#### Subpart B—Sterilization of Persons in Federally Assisted Family Planning Projects

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50.201 Applicability.  
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AUTHORITY. Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216).

#### § 50.201 Applicability.

The provisions of this subpart are applicable to programs or projects for health services which are supported in whole or in part by Federal financial assistance, whether by grant or contract, administered by the Public Health Service.

#### § 50.202 Definitions.

(a) "Public Health Service" means the Health Services Administration, Health Resources Administration, National Institutes of Health, Center for Disease Control, Alcohol, Drug Abuse and Mental Health Administration, Food and Drug Administration and all of their constituent agencies.

(b) "Nontherapeutic sterilization" means any procedure or operation, the purpose of which is to render an individual permanently incapable of reproducing and which is not either (1) a necessary part of the treatment of an existing illness or injury, or (2) medically indicated as an accompaniment of an operation on the female genitourinary tract. For purposes of this paragraph mental incapacity is not considered an illness or injury.

(c) "Committee" means the Review Committee required by § 50.203(c).

(d) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(e) A person "legally incapable of giving informed consent" includes any person who (1) under State law, is a minor whose consent to the sterilization would not be legally effective, (2) has been adjudicated incompetent by a court of competent jurisdiction, or (3) in the judgment of a responsible program or project official, appears to be incapable of giving informed consent because of a mental condition or lack of mental capacity.

(f) "Informed consent" means the voluntary, knowing assent from the individual on whom any sterilization is to be performed after he has been given (as evidenced by a document executed by such individual):

- (1) A fair explanation of the procedures to be followed;
- (2) A description of the attendant discomforts and risks;
- (3) A description of the benefits to be expected;
- (4) An explanation concerning appropriate alternative methods of family planning and the effect and impact of the proposed sterilization including the fact that it must be considered to be an irreversible procedure;
- (5) An offer to answer any inquiries concerning the procedures; and
- (6) An instruction that the individual is free to withdraw his or her consent to the procedure at any time prior to the sterilization without prejudicing his or her future care and without loss of other project or program benefits to which the patient might otherwise be entitled.

The documentation referred to in this section shall be provided by one of the following methods:

- (1) Provision of a written consent document detailing all of the basic elements of informed consent (paragraph (f) (1) through (f) (6) of this section).
- (2) Provision of a short form written consent document indicating that the basic elements of informed consent have been presented orally to the patient. The short form document must be supplemented by a written summary of the oral presentation. The short form document must be signed by the patient or his legal representative and by an auditor-witness to the oral presentation. The written summary shall be signed by the person obtaining the consent and by the auditor-witness. The auditor-witness shall be designated by the patient or his legal representative.

The documentation referred to in this section shall be provided by one of the following methods:

- (1) Provision of a written consent document detailing all of the basic elements of informed consent (paragraph (f) (1) through (f) (6) of this section).
- (2) Provision of a short form written consent document indicating that the basic elements of informed consent have been presented orally to the patient. The short form document must be supplemented by a written summary of the oral presentation. The short form document must be signed by the patient or his legal representative and by an auditor-witness to the oral presentation. The written summary shall be signed by the person obtaining the consent and by the auditor-witness. The auditor-witness shall be designated by the patient or his legal representative.

(b) Programs or projects to which this subpart applies shall not perform nor arrange for the performance of any non-emergency sterilization unless such sterilization is performed pursuant to a voluntary request for such services made by the person on whom the sterilization is to be performed or by his or her representative.

#### § 50.203 General policies.

(a) In addition to any other requirement of this subpart, programs or projects to which this subpart applies shall not perform nor arrange for the performance of any non-emergency sterilization unless such sterilization is performed pursuant to a voluntary request for such services made by the person on whom the sterilization is to be performed or by his or her representative.

(b) Programs or projects to which this subpart applies shall not perform nor arrange for the performance of any non-emergency sterilization unless such a program or project has obtained informed consent from the individual on whom the sterilization is to be performed unless such person is legally incapable of providing such consent. Consent shall also be obtained from any minor who is incapable of giving a legally effective informed consent merely because of age in any case in which it is proposed to perform a nontherapeutic sterilization on such minor. In any event, no nontherapeutic sterilization shall be performed sooner than 72 hours following the giving of informed consent.

(c) Programs or projects to which this subpart applies shall not perform nor arrange for the performance of any nontherapeutic sterilization on an individual who is under the age of eighteen or who is legally incapable of giving informed consent unless:

(1) A Review Committee, as described in § 50.205, has reviewed and approved the sterilization, and

(2) In the case of an individual who is legally incapable of giving informed consent, a court of competent jurisdiction has determined that the proposed sterilization is in the best interest of the patient.

(d) These regulations are by way of limitation and are not intended to authorize any program or project to perform or arrange for the performance of any sterilization not otherwise authorized. As used in this section the phrase "arrange for the performance of a sterilization" means active participation in the planning or setting up of the operation including the making of an appointment for the patient or providing the funds for the sterilization but does not include the mere referral of the patient elsewhere.

#### § 50.204 Waivers.

(a) The Secretary may, upon application by the Governor of any State or his delegate, grant a waiver of any or all the provisions of this subpart if the Secretary finds that the State law provides substantially the same or greater protection to the classes of persons the Department regulations seek to protect.

(b) Applications under this section shall be in writing and shall be accompanied by a copy of the State law and shall specify the section or sections of the regulations for which a waiver is sought.

(c) Upon receipt of any application for waiver, the Secretary will publish in the FEDERAL REGISTER a notice of the receipt of such application and provide an opportunity for public comment prior to granting any waiver.

#### § 50.205 Composition of the Committee.

(a) The Committee referred to in § 50.203(c) shall be composed of not less than five members proposed by responsible authorities of the program or project. Final designation of Committee members shall not be made until the program or project is advised in writing by the Secretary that the Committee meets the criteria for Committee membership established in this section.

(b) The members shall be so selected that the Committee will be competent to deal with the medical, legal, social and ethical issues involved in sterilization.

(c) No member may be an officer, employee, representative or a relative or business associate of an officer, employee, or representative of the program or project under which the procedure is proposed, nor may any member be otherwise involved in the proposed sterilization. Moreover, no one shall serve on the Committee if such service will place such member in a real or apparent conflict of interest.

(d) Both sexes shall be represented on the Committee, and at least two members



shall be selected from the population served by the program or project.

**§ 50.206 Duties and procedures of the Committee.**

(a) The Committee shall determine whether the proposed sterilization is in the best interest of the patient taking into consideration, among other things,

(1) The expected mental and physical impact of pregnancy and motherhood on the patient, if female, and the expected mental impact of fatherhood, if male and

(2) The expected immediate and long-term mental and physical impact of sterilization on the patient.

(b) In making its determination, the Committee shall:

(1) Review appropriate medical, social, and psychological information concerning the patient, including the age of the patient, alternative family planning methods, and the adequacy of consent;

(2) Interview (i) both parents (if available) (ii) the patient, unless it is affirmatively determined that such an interview would be contrary to the best interest of the patient, and (iii) such other persons as in its judgment will contribute pertinent information; and

(3) Record its findings and determinations, collect supporting documentation, and transmit these records to the program or project. In recording its findings and determinations, it shall be specified how each individual member of the Committee voted.

(c) The Committee determination required by this section may be made only at a convened meeting of the Committee and upon the affirmative vote of a majority of the members of the full Committee.

(d) Each Committee shall adopt written by-laws or rules of procedure which shall reflect and be consistent with the provisions of this subpart and which shall be made available to members of the public upon request.

**§ 50.207 Confidentiality.**

Except as otherwise required by the provisions of the subpart, all Review Committee proceedings, findings, determinations, and supporting documentation shall be confidential and may not be disclosed to any person except with the permission of the patient or his legal representative, or to authorized representatives of the Department for purposes of monitoring compliance with these regulations.

**§ 50.208 Duties of the program or project.**

(a) Prior to appointing the members of any Review Committee, the responsible authorities of the program or project shall advise the Secretary in writing of the names of the proposed members of the Committee together with the qualifications of such individual members.

(b) No further action on any sterilization approved by the Review Committee shall be taken unless such determination was arrived at in the course of a convened meeting of the Committee and

by the affirmative vote of a majority of the full Committee.

(c) In the absence of parental consent, no further action on any sterilization approved by the Committee shall be taken unless the Committee's finding and determination expressly include its reasons for approval despite the absence of parental consent.

(d) Whenever the Committee determines that a sterilization of an individual who is incapable of consenting is appropriate, the program or project shall seek the court determination required by § 50.203(c)(2).

(e) The program or project shall maintain records transmitted by the Review Committee as part of the permanent record of the patient; the records shall be available for examination by the Secretary to determine compliance with these regulations.

(f) In addition to such other reports specifically required by the Secretary, the program or project shall report to the Secretary at least annually, the number and nature of the sterilizations subject to the procedures set forth in this subpart, the number of Committee disapprovals of such sterilizations, the number and nature of conditional Committee approvals, and such other relevant information regarding such procedures as the Secretary may request.

[FR Doc.74-2924 Filed 2-5-74;8:45 am]

**CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS**

**Special Requirements Applicable to Sterilization Procedures**

For a preamble statement issued by the Secretary of Health, Education, and Welfare, the Assistant Secretary for Health, and the Administrator of the Social and Rehabilitation Service, regarding sterilization procedures, see 42 CFR Part 50, appearing in this issue at page 4730.

Although the SRS notice of proposed rulemaking published in the FEDERAL REGISTER on September 21, 1973 (38 FR 26460), dealt only with the programs administered under title XIX of the Social Security Act (45 CFR 249.10(a)(11)), the regulations are now coded in a new § 205.35, and are also applicable to programs administered under titles IV-A and VI of the Act.

Part 205, Chapter II, Title 45 of the Code of Federal Regulations is amended by adding a new § 205.35 as set forth below:

**§ 205.35 Special requirements applicable to sterilization procedures.**

(a) *State plan requirements.* A State plan under title IV-A, VI, or XIX of the Social Security Act must provide, with respect to sterilization procedures, that all requirements of this paragraph (a) will be met.

(1) *Basic requirements.* (i) In addition to any other requirement of this

paragraph, no nonemergency sterilization may be performed unless such sterilization is performed pursuant to a voluntary request for such services made by the person on whom the sterilization is to be performed or by his or her representative;

(ii) No nonemergency sterilization may be performed unless informed consent is obtained from the individual on whom the sterilization is to be performed unless such person is legally incapable of providing such consent;

(iii) No nontherapeutic sterilization may be performed sooner than 72 hours following the giving of informed consent; and

(iv) No nontherapeutic sterilization may be performed on an individual who is under the age of eighteen or who is legally incapable of giving informed consent unless:

(A) A Review Committee as described in this paragraph has reviewed and approved the sterilization; and

(B) In the case of an individual who is legally incapable of giving informed consent, a court of competent jurisdiction has determined that the proposed sterilization is in the best interest of the patient; and

(C) In the case of a minor who only because of his age is incapable of giving legally effective consent, an informed consent has been obtained.

(2) As used in this paragraph:

(i) *Committee* means the Review Committee required in paragraph (a)(1)(iv)(A) of this section.

(ii) *Informed consent* means the voluntary, knowing assent from the individual on whom any sterilization is to be performed, after he has been given (as evidenced by a document executed by such individual):

(A) A fair explanation of the procedures to be followed;

(B) A description of the attendant discomforts and risks;

(C) A description of the benefits to be expected;

(D) Counseling concerning appropriate alternative methods; and the effect and impact of the proposed sterilization including the fact that it must be considered to be an irreversible procedure;

(E) An offer to answer any inquiries concerning the procedures;

(F) An instruction that the individual is free to withdraw his or her consent to the procedure at any time prior to the sterilization without prejudicing his or her future care and without loss of other project or program benefits to which the patient might otherwise be entitled.

The documentation referred to in this paragraph shall be provided by one of the following methods:

(i) Provision of a written consent document detailing all of the basic elements of informed consent (paragraph (a)(2)(i)(A) through (F) of this section).

(ii) Provision of a short form written consent document indicating that the basic elements of informed consent have been presented orally to the patient. The short form document must be supplied



mented by a written summary of the oral presentation. The short form document must be signed by the patient or his legal representative and by an auditor-witness to the oral presentation. The written summary shall be signed by the person obtaining the consent and by the auditor-witness. The auditor-witness shall be designated by the patient or his legal representative.

(iii) *Legally incapable of giving informed consent* includes any person who:

(A) Under State law, is a minor whose consent to the sterilization would not be legally effective;

(B) Has been adjudicated incompetent by a court of competent jurisdiction; or

(C) In the judgment of a responsible representative of the State agency or its local subdivision, or of the institution, agency, or physician providing the proposed sterilization, appears to be incapable of giving informed consent because of a mental condition or lack of mental capacity.

(iv) *Nontherapeutic sterilization* means any procedure or operation the primary purpose of which is to render an individual permanently incapable of reproducing and which is not either:

(A) A necessary part of the treatment of an existing illness or injury; or

(B) Medically indicated as an accompaniment of an operation on the female genitourinary tract.

For purposes of this definition mental incapacity is not considered an illness or injury.

(v) *Secretary* means the Secretary of Health, Education, and Welfare.

(3) *Composition of the Committee.* (i) The Committee shall be composed of not less than five members selected by the State agency.

(ii) The members shall be so selected that the Committee will be competent to deal with the medical, legal, social, and ethical issues involved in sterilization.

(iii) No member may be an officer, employee, representative of or a relative or business associate of an officer, employee, or representative of the State agency or its local subdivision, or of the institution, agency, or physician providing the proposed sterilization. Moreover, no one shall serve on the Committee if such service will place such member in a real or apparent conflict of interest.

(iv) Both sexes shall be represented on the Committee, and at least two members shall be selected from the population served by the agency.

(4) *Duties and procedures of the Committee.* (i) The Committee shall

determine whether the proposed sterilization is in the best interest of the individual, taking into consideration, among other things:

(A) The expected mental and physical impact of pregnancy or motherhood on the individual if female, and the expected mental impact of fatherhood, if male; and

(B) The expected immediate and long-term mental and physical impact of sterilization on the individual.

(ii) In making its determination, the Committee shall:

(A) Review appropriate medical, social, and psychological information concerning the patient, including the age of the patient, alternative family planning methods, and the adequacy of consent;

(B) Interview (1) both parents (if available), (2) the patient unless it is affirmatively determined that such an interview would be contrary to the best interest of the patient, and (3) such other persons who in its judgment will contribute pertinent information; and

(C) Record its findings and determinations, collect supporting documentation, and transmit these records to the agency. In recording its findings and determinations it shall be specified how each member of the Committee voted.

(iii) The Committee's determination required by this subparagraph may be made only at a convened meeting of the Committee and upon the affirmative vote of a majority of the members of the full Committee.

(iv) Each Committee shall adopt written by-laws or rules of procedure which shall reflect and be consistent with the provisions of this subparagraph and which shall be made available to members of the public upon request.

(v) Except as otherwise required by the provisions of this chapter, all Review Committee proceedings, findings, determinations, and supporting documentation shall be confidential and may not be disclosed to any person except with the permission of the patient or his legal representative, or to authorized representatives of the Department for purposes of monitoring compliance with these regulations.

(5) *Action after Committee decisions.*

(i) No further action on any sterilization approved by the Review Committee shall be taken unless such determination was arrived at in the course of a convened meeting of the Committee and by a majority of the full Committee.

(ii) In the absence of parental consent, no further action on any sterilization approved by the Committee shall

be taken unless the Committee's finding and determination expressly include its reasons for approval despite the absence of parental consent.

(iii) Whenever the Committee determines that a sterilization of an individual who is incapable of consenting is appropriate, court determination, as required by paragraph (a) (1) (iv) (B) of this section shall be obtained.

(6) *Reports.* In addition to such other reports specifically required by the Secretary, the State agency shall report to the Secretary at least annually, the number and nature of the sterilizations subject to the procedures set forth in this section, the number of Committee disapprovals of such sterilizations, the number and nature of conditional Committee approvals, and such other relevant information regarding such procedures as the Secretary may request.

(b) *Waivers.* (1) The Secretary may, upon application by the Governor of any State or his delegate, grant a waiver of any or all the provisions of paragraph (a) of this section if the Secretary finds that the State law provides substantially the same or greater protection to the classes of persons the Department regulations seek to protect.

(2) Applications under this section shall be in writing and shall be accompanied by a copy of the State law and shall specify the provisions of the regulations for which a waiver is sought.

(3) Upon receipt of any application for waiver, the Secretary will publish in the FEDERAL REGISTER a notice of the receipt of such application and provide an opportunity for public comment prior to granting any waiver.

(c) *Federal financial participation.* Federal financial participation is not available in expenditures for procedures for sterilization unless the requirements in paragraph (a) of this section have been met.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

*Effective date.* The regulation in this section shall be effective on February 6, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program; 13.754, Public Assistance—Social Services)

Dated: January 28, 1974.

JAMES S. DWIGHT, JR.,  
Administrator, Social and  
Rehabilitation Service.

Approved: January 29, 1974.

CASPAR W. WEINBERGER,  
Secretary.

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PART IV

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## **DEPARTMENT OF JUSTICE**

**Law Enforcement Assistance  
Administration**

■

**Regulations Relating to the  
LEAA Implementation of the  
National Environmental Policy  
Act**



**Title 28—Judicial Administration**  
**CHAPTER I—DEPARTMENT OF JUSTICE**  
**PART 19—REGULATIONS RELATING TO**  
**THE LEAA IMPLEMENTATION OF THE**  
**NATIONAL ENVIRONMENTAL POLICY**  
**ACT**

The Law Enforcement Assistance Administration hereby adds a new Part 19 to Chapter I of Title 28 of the Code of Federal Regulations. This regulation will revise current guidelines, governing compliance with the National Environmental Policy Act of 1969 (Pub. L. 90-190), to conform with the guidelines issued by the Council on Environmental Quality on August 1, 1973, 38 FR 20550.<sup>1</sup> These revised regulations will replace the LEAA procedures which were published in the FEDERAL REGISTER on March 2, 1972, 37 FR 4418.

On November 29, 1973, the Law Enforcement Assistance Administration issued draft guidelines for Environmental Impact Statements and published them in the FEDERAL REGISTER. Comments have been received and appropriate modification to the guidelines have been made.

Effective date: This regulation will become effective January 28, 1974.

RICHARD W. VELDE,  
 Deputy Administrator  
 for Policy Development.

Accordingly, Part 19 of Title 28 is revised to read as follows:

**Subpart A—General Provisions**

- Sec.  
 19.1 Purpose.  
 19.2 Scope.  
 19.3 Authority.  
 19.4 Policy.

**Subpart B—Definitions**

- 19.5 Definitions.

**Subpart C—Identification of Major Federal Actions Significantly Affecting the Environment**

- 19.6 Programs and projects with a potential effect on the environment.  
 19.7 Actions significantly affecting the environment.

**Subpart D—Designation of Responsible Officials**

- 19.8 Designation of responsible officials.

**Subpart E—Environmental Procedures**

- 19.9 Initial environmental review.  
 19.10 Preparation of Environmental Impact Statements.  
 19.11 Content of Environmental Impact Statements.  
 19.12 Circulation and review of draft Environmental Impact Statements.  
 19.13 Public hearings.  
 19.14 Preparation and circulation of final Environmental Impact Statement.

**Subpart F—Final Determinations**

- 19.15 Determination by the Administrator, LEAA.

**Subpart A—General Provisions**

**§ 19.1 Purpose.**

The National Environmental Policy Act of 1969 (hereinafter NEPA) establishes national policy, goals and proce-

dures for protecting and enhancing the environment.

(a) This statute governs all Federal departments and agencies and requires positive orientation of all existing administrative policies to support the new mandate. It requires that an explicit analysis of the environmental consequences of proposed "major Federal actions" which significantly affect the quality of the environment shall be made and publicly commented upon prior to agency decision and that this detailed environmental statement shall accompany the proposals for actions through the existing agency review and decision processes. This environmental statement is to include an analysis of the physical, social and aesthetic dimensions of the environmental efforts to avoid or lessen adverse environmental consequences by means of modified approaches or alternatives.

(b) It is the purpose of this regulation to establish orderly environmental clearance processes within the Law Enforcement Assistance Administration (LEAA) and to provide guidance in the preparation and utilization of environmental statements and comments.

**§ 19.2 Scope.**

This regulation applies to all "Federal actions" as defined in § 19.5. LEAA designated officials are responsible for assuring that decisions on all actions falling within the scope of these regulations are made in compliance with the National Environmental Policy Act of 1969 and for establishing procedures consistent with the requirements of this regulation.

**§ 19.3 Authority.**

(a) The National Environmental Policy Act, 42 U.S.C. 4321, et seq., establishes a broad national policy to promote efforts to improve the relationship between man and his environment and provides for the creation of a Council on Environmental Quality (CEQ) to oversee implementation of the policy. NEPA sets out certain policies and goals concerning the environment and requires that, to the fullest extent possible, the policies, regulations and public laws of the United States shall be interpreted and administered in accordance with those policies and goals.

(b) Section 102(2)(C) of the National Environmental Policy Act of 1969 requires that all agencies of the Federal government include in every major Federal action significantly affecting the quality of the human environment a detailed statement on the environmental impact of such action.

(c) Guidelines from the President's Council on Environmental Quality (CEQ), dated August 1, 1973, 38 FR 20550, set forth procedures which must be followed by Federal agencies in implementing NEPA.

(d) Office of Management and Budget Circular A-95 details the requirements for State and local review of environmental statements required by section 102(2)(C) of NEPA.

(e) Executive Order 11514, 35 FR 4247, orders all Federal agencies to initiate procedures needed to direct their policies, plans and programs so as to meet national environmental goals.

(f) Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3751, as amended by Pub. L. No. 93-83, 87 Stat. 197, authorizes LEAA to establish such rules, regulations and procedures as are necessary to the exercise of its function and are consistent with the stated purpose of the Act.

**§ 19.4 Policy.**

(a) *General.* It is the policy of LEAA to implement NEPA and related Executive Branch Guidance documents on the environment as fully as statutory authority permits and to orient LEAA's administrative policies under the Act toward the broad national goal of preserving and enhancing the environment. In this goal, environmental quality factors are to be considered in the decision-making process at the earliest possible time. Adverse environmental effects should be avoided or minimized, and environmental quality previously lost should be restored to the fullest extent possible.

(b) *Implementation.* The implementation of this policy shall consist of an environmental review of all programs and projects determined by this agency to potentially affect the environment. Environmental statements shall be prepared on all major Federal actions significantly affecting the environment in accordance with the provisions of NEPA. The policies and goals set forth in the National Environmental Policy Act of 1969 are supplementary to those set forth in the existing authorization of the Law Enforcement Assistance Administration. The LEAA shall interpret the provisions of the NEPA Act as supplemental to its existing authority and as a mandate. It will view traditional policies and missions in the light of national environmental objectives.

(c) *Other statutes.* To the extent possible statements of finding concerning environmental impacts required by other statutes such as section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. 1653(f), Fish and Wildlife Coordination Act, 16 U.S.C. 661, et seq., and the National Historic Preservation Act of 1966, 16 U.S.C. 470, et seq., will be incorporated into the preparation of Environmental Impact Statements to yield a single document.

(d) *Public notice and availability.* LEAA will insure timely public information and understanding of Federal plans and programs which may have a significant environmental impact in order to obtain the view of interested parties. A list of administrative actions for which environmental statements are being prepared and negative declarations filed will be maintained by Regional Offices and the Central Office. This list will be made available for public inspection and for submission to the Council on Environmental Quality.

<sup>1</sup> Filed as part of original document.



# Subpart B—Definitions

## § 19.5 Definitions.

(a) "The Act" means title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et seq., as amended by Pub. L. No. 93-83, 87 Stat. 197.

(b) "Environmental Evaluation" is a report to be completed by the applicant consisting of questions relating to the potential environmental impact of the proposed program or project. The purpose of this report is to determine the threshold question as to whether an Environmental Impact Statement should be prepared.

(c) "Environmental Assessment" is information submitted by the State Planning Agency or applicant to the responsible LEAA official when an Environmental Impact Statement is to be prepared.

(d) "Environmental Impact" is any alteration of environmental conditions or creation of a new set of environmental conditions, adverse or beneficial, caused or induced by the action or set of actions under consideration.

(e) "Environmental Impact Statement" is a complete and fully comprehensive environmental assessment including formal review by other Federal, State and local agencies as prescribed by section 102(2)(C) of NEPA. The Environmental Impact Statement is comprised of two stages, draft and final.

(f) "Federal Actions" includes the entire range of activity undertaken by LEAA. Actions include:

(1) LEAA grants, subgrants and contracts.

(2) Research, development and demonstration projects.

(3) Rule-making and regulations.

(4) Legislative proposals.

(g) "LEAA Environmental Coordinator" is such individual as designated by the Administrator to carry out the delegated functions under this regulation.

(h) "Major Federal Action" is any Federal action which requires the substantial commitment of resources or triggers such a substantial commitment by another.

(i) "Negative Declaration" is a determination by the responsible LEAA official, after review of the applicant's environmental evaluation, that an Environmental Impact Statement is not necessary.

(j) "NEPA" means the National Environmental Policy Act of 1969.

(k) "Significantly Affecting the Environment" means a determination taking into consideration:

(1) The extent to which the action will cause adverse environmental effects in excess of those created by existing uses in the area affected by it, or the extent to which the action brings about changes to the environment and creates new impacts, and

(2) The absolute quantitative adverse environmental effects of the action itself, including the cumulative harm that results from its contribution to existing adverse conditions or uses in the affected area.

(1) "Subgrant" is the distribution of funds between the State Planning Agency and the applicant to whom the funds have been allocated.

Subpart C—Identification of Major Federal Actions Significantly Affecting the Environment

## § 19.6 Programs and projects with a potential effect on the environment.

The following are the types of Federal actions which require the preparation of an Environmental Evaluation:

(a) New construction projects.

(b) The renovation or modification of a facility which leads to an increased occupancy of more than 25 persons.

(c) The implementation of programs involving the use of pesticides and other harmful chemicals.

(d) The implementation of programs involving microwaves or radiation.

(e) Research and technology whose anticipated or intended future application could be expected to have a potential effect on the environment.

(f) Other actions which require the substantial commitment of resources or trigger such a substantial commitment by another as determined by the responsible LEAA official to possibly have a significant effect on the quality of the environment.

## § 19.7 Actions significantly affecting the human environment.

(a) Actions significantly affecting the human environment are not limited to, but include the following projects or programs which would:

(1) Lead to a significant increase in air pollution;

(2) Lead to a significant increase in water pollution;

(3) Lead to a significant increase in the ambient noise level for a substantial number of people;

(4) Lead to poor land use, soil erosion or soil pollution;

(5) Destroy or derogate from an important recreation area;

(6) Substantially alter the pattern of behavior of wildlife or interfere with important breeding, nesting or feeding grounds;

(7) Disturb the ecological balance of land or water area;

(8) Have a significant effect upon areas of historical significance, cultural significance, education, or scientific significance;

(9) Have an adverse aesthetic or visual effect; or

(10) Have a detrimental effect on the safety of the community.

(b) In determining if an action is a major Federal action significantly affecting the environment LEAA will consider the following:

(1) Actions which have become environmentally controversial;

(2) Projects or a complex of projects which are individually limited but cumulatively have an environmental impact;

(3) Actions which have both beneficial environmental effects and detrimental effects even if it is believed that on balance that the effect will be beneficial;

(4) Secondary or indirect effects generated through the implementation of an LEAA project or program in the form of private associated investments and changed patterns of social and economic activity;

(5) Actions that would have little impact in an urban area but may have a significant impact in a rural setting or vice versa.

## Subpart D—Designation of Responsible Official

## § 19.8 Designation of responsible officials.

(a) The LEAA Environmental Coordinator, Office of Regional Operations shall be the liaison official for LEAA with the Council on Environmental Quality, the Environmental Protection Agency and the other departments and agencies concerning environmental matters. Duties of the Environmental Coordinator include:

(1) Responsibility to insure that the actions with respect to the fulfillment of NEPA are coordinated.

(2) Provide for procedural and substantive area of training on environmental issues, policy, procedures and clearance requirements.

(3) Provide guidance in the preparation and processing of Environmental Impact Statements.

(4) Participate in policy formulation, as necessary, in the application of the requirements of the National Environmental Policy Act of 1969.

(5) Prepare an annual report for submission to the Council on Environmental Quality consisting of a review of the year's activities in carrying out the responsibilities under the National Environmental Policy Act of 1969.

(6) Prepare a quarterly list of all Negative Declarations and Environmental Impact Statements for submission to CEQ.

(b) Each Regional Administrator shall designate, through written delegation, an official in the Regional Office with responsibility for administering and coordinating the region-wide aspects of the environmental policies and procedures with respect to the funding of block and discretionary grants (except National Scope programs). The official shall:

(1) Insure that Environmental Evaluations or Environmental Impact Statements are prepared on all required programs and projects;

(2) Prepare and execute a Negative Declaration where a major action will not have a significant effect on the environment;

(3) Provide for the issuance of Environmental Impact Statements;

(4) Be responsible for submitting to the Office of Regional Operations on a quarterly basis a list of all Negative Declarations and Environmental Impact Statements prepared in the region;



(5) Coordinate with the Environmental Coordinator, Office of Regional Operations on the subjects of environmental problems, environmental training and guidelines.

(c) There shall be designated in the National Institute of Law Enforcement and Criminal Justice an official who will be responsible for administering and coordinating environmental policies and procedures for Institute programs and projects. The official shall:

(1) Insure that Environmental Evaluations or Environmental Impact Statements are prepared on all required technology, research and development programs.

(2) Prepare and execute a Negative Declaration where a major action will not have a significant effect on the environment;

(3) Provide for the issuance of Environmental Impact Statements,

(4) Be responsible for submitting lists of Environmental Impact Statements and Negative Declarations prepared to the Environmental Coordinator, Office of Regional Operations on a quarterly basis.

(5) Coordinate with the Environmental Coordinator, Office of Regional Operations, on the subjects of environmental problems, environmental training and guidelines.

(d) There shall be designated in the National Priority Program Office, an official whose responsibility it will be to insure the implementation of these regulations with respect to National Scope Programs. The official shall:

(1) Insure that Environmental Evaluations or Environmental Impact Statements are prepared on all required National Scope Programs or projects.

(2) Prepare and execute a Negative Declaration where a major action will not have a significant effect on the environment.

(3) Provide for the issuance of Environmental Impact Statements.

(4) Submit to the Environmental Coordinator, Office of Regional Operations, lists of Negative Declarations and Environmental Impact Statements on a quarterly basis.

(5) Coordinate with the Environmental Coordinator, Office of Regional Operations, on the subjects of environmental problems, environmental training and guidelines.

#### Subpart E—Environmental Procedures

##### § 19.9 Initial environmental review procedures.

(a) *General.* The purpose of environmental review procedures established by these regulations is to determine whether a proposed LEAA funded program or project is a "major Federal action significantly affecting the quality of the human environment." Each proposed action falling within the scope of § 19.6 must include an Environmental Evaluation. An Environmental Evaluation is a report submitted by an applicant identifying the characteristics of the proposal and its effect upon the environment. An Environmental Evaluation will include full documentation of the elements cov-

ered by § 19.7(a). A determination shall thereafter be made by the responsible Federal official as to whether the action will have a significant effect on the environment requiring the preparation of an Environmental Impact Statement or whether a Negative Declaration can be filed. No action can be taken by the applicant in the implementation of a project or program for which funds have been requested unless environmental procedures have been completed and the project approved.

(b) *Block grants allocated to the States.* (1) When a comprehensive State plan is submitted for LEAA approval before the selection of specific projects to implement programs in the plan, the plan will be approved with a grant condition that all individual projects subsequently selected to implement programs in the plan, involving major actions falling within the scope of § 19.6 must adhere to environmental review procedures.

(2) When a subgrant application is submitted to the State Planning Agency for a program or project falling within the scope of § 19.6 an Environmental Evaluation shall be prepared by the applicant and circulated with the application through the State and regional clearinghouses for review and comment. A copy of the application and Environmental Evaluation shall be forwarded concurrently to the LEAA Regional Office. If insufficient information is provided in the Environmental Evaluation, the document will be returned to the applicant for revision.

(3) The responsible designated official in the Regional Office shall allow 30 days for comment by the clearinghouses and thereafter review the Environmental Evaluation in order to determine whether a Negative Declaration or an Environmental Impact Statement is to be prepared.

(4) If it is determined that there will be no significant effect on the environment the Regional Administrator shall approve a Negative Declaration which will indicate the review which has taken place and the determination that an Environmental Impact Statement is not necessary. He will forward a copy of the Declaration to the State Planning Agency and the applicant.

(5) Where a determination is made that the proposal will have a significant effect on the environment, the LEAA Regional Office and the State Planning Agency shall coordinate the preparation of the Environmental Impact Statement. The State Planning Agency will serve as the primary agency in the preliminary stages of preparing the Environmental Impact Statement. This will involve site-visits, gathering data, measuring environmental impacts and submitting information as required by the Regional Office.

(c) Direct grants or contracts by LEAA. An Environmental Evaluation must be submitted by an applicant for any program or project involving major actions falling within the scope of § 19.6. A determination shall be made by the head of the office responsible for the ap-

proval of the contract or grant whether to execute a Negative Declaration, or to prepare an Environmental Impact Statement.

##### § 19.10 Preparation of Environmental Impact Statements.

(a) Upon a determination that a program or project may have a significant effect upon the environment, the responsible LEAA official shall prepare an Environmental Impact Statement. The impact statement is comprised of two stages: Draft and final. The draft statement must satisfy to the fullest extent possible, at the time the draft is prepared, the requirement established for final statements by section 102(2)(C) of NEPA.

(b) Prior to the preparation of a draft Environmental Impact Statement, an applicant may be required to supply additional information in the form of an Environmental Assessment. The Environmental Assessment will contain sufficient information to enable the responsible LEAA official to begin preparation of a draft Environmental Impact Statement. The Administration will assist the applicant by outlining the types of information required. In some cases draft Environmental Impact Statements will be prepared by private consultants. In all cases LEAA will make its own evaluation of the environmental issues and take responsibility for the scope and content of draft and final Environmental Impact Statements.

(c) Impact statements for programs involving new technology or a broad application.

(1) The preparation of Environmental Impact Statements for (i) broad programs and (ii) broad application of new technology will require a slightly different approach than that of a single project or program. Careful attention shall be given to identifying and defining the purpose and scope of the action which would most appropriately serve as the subject of the statement. In many cases broad program statements will be required in order to assess the environmental effects of a number of individual but connected actions on a given geographical area or the environmental impact of individual actions that are generic or common to a series of agency actions. The appropriate time for preparation of Environmental Impact Statements on new technology with potential for significant environmental impact should be early enough in its development stages to include mitigation measures.

(2) Subsequent Environmental Impact Statements on major individual actions will be necessary where such actions have significant environmental impacts not adequately evaluated in the original broad program statement. Periodic evaluation to determine when a program statement is required for such programs should be conducted based on the size of Federal investment; likelihood of widespread application, and potential environmental impacts where continued investment will foreclose alternatives.



(3) An Environmental Impact Statement shall be prepared early enough to be part of the decision-making process.

(d) Notice of intent announcing the preparation of a draft impact statement shall be issued by the responsible official. The notice shall briefly describe the agency action, its location and the issues involved. Such a notice should be submitted as soon as it has been determined that an Environmental Impact Statement will be prepared. Notice of intent should be sent to interested persons who might be interested in receiving a copy of an impact statement.

#### § 19.11 Content of Environmental Impact Statements.

The following points are to be covered in both the draft and final statements:

(a) *Description of the proposed action.* A description of the proposed action, a statement of its purpose and a description of the present environment to be affected should be presented. Maps, diagrams, charts, drawings or other appropriate technical data should be of sufficient detail to permit an assessment of potential environmental impacts. A description of the proposed action should be in clear, concise layman's language. Site plans and general layout should be provided as appropriate. Highly technical and specialized analyses and data should be included as appendices if necessary. A statement of purpose should describe program goals, benefits and costs of the proposal. A description of the present environment should include other Federal activities in the area affected by the proposed action and which are related to the proposed action. In order to insure accurate descriptions and environmental assessments, site visits should be made where feasible. Population and growth characteristic of the area should be provided as well as the effect the proposal will create. In determining population growth, use should be made of the projections compiled for the Water Resources Council by the Bureau of Economic Analysis of the Department of Commerce and Economic Research Service of the Department of Agriculture (the OBERS projection). The following elements of the existing environment should be described: land use, density, geological elements, hydrological elements, climatic elements, botanical elements, zoological elements, archeological elements, transportation and community facilities.

(b) The relationship of the proposed action to land use plans, policies and controls for the affected area. This requires a discussion of how the proposed action may conform or conflict with the objectives and specific terms of approved or proposed Federal, State and local land use plans, policies and controls if any for the area affected including those developed in response to the Clean Air Act, 42 U.S.C. 1857-1857l, 1858, 1858a, 49 U.S.C. 1421, 1430 or the Federal Water Pollution Control Act Amendments of 1972, 86 Stat. 816 (codified in scattered sections of 12,

15, 31 and 33 U.S.C.). Where a conflict or inconsistency exists, the statement should describe the extent to which the agency has reconciled its proposed action with the plan, policy or control and the agency has decided to proceed notwithstanding the absence of full reconciliation.

(c) The probable impact of the proposed action on the environment. This requires an assessment of the positive and negative effects of the proposed action. The attention given to different environmental factors will vary according to the nature, scale, and location of the proposed actions. Such secondary effects through their impacts on existing community facilities and activities, or through changes in natural conditions may often be even more substantial than the primary effects of the original action itself. An assessment should be made on the effects of any possible change in population patterns or growth upon the resource base, including land use, water and public service of the area in question. Factors to consider are: air quality, water quality, ambient noise level, solid waste, fish and wildlife habitat, flora and fauna, toxic materials, radiation, microwaves, pesticides, energy supply, stream modification, redevelopment and construction in built-up areas, density and congestion mitigation, neighborhood character and continuity, historical architectural and archeological preservation, outdoor recreation, low income population and adequacy of community facilities. Primary attention should be given in the statement to discussing those factors most evidently impacted by the proposed action. Secondary or indirect as well as primary or direct consequences for the environment should be included in the analysis. For example, the primary action of constructing a Justice Complex or a correctional institution may stimulate or induce secondary effects in the form of increased investment and development in adjacent areas.

(d) Alternatives to the proposed action. A rigorous exploration and objective evaluation of the environmental impacts of all reasonable alternative actions, particularly those that might enhance environmental quality or avoid some or all of the adverse environmental effects, is essential. Examples of such alternatives include the alternative of taking no action; that of postponing action pending further study of alternatives; requiring actions of significantly different nature which would provide similar benefits with different environmental impacts; alternatives related to different sites; or alternatives related to different designs. Alternatives to the proposed action should include where relevant even those alternatives which are not within the jurisdiction of LEAA.

(e) Probable adverse environmental effects which cannot be avoided should the proposal be implemented. The adverse impacts surfaced should be discussed further in this section. Adverse effects such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats

to health, or other consequences adverse to the environmental goals, set out in Section 101(B) of NEPA should be discussed. This should be a brief section summarizing in one place those adverse effects which are unavoidable. Measures taken to mitigate adverse effects should be described.

(f) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This section should contain a brief discussion of the extent to which the proposed action involves tradeoffs between short-term environmental gains at the expense of long-term losses or vice versa and a discussion of the extent to which the proposed action forecloses future options. In this context short-term and long-terms do not refer to any fixed time periods but should be viewed in terms of the environmentally significant consequences of the proposed action. The cumulative and long-term effects of the proposed action which either significantly reduce or enhance the state of the environment for future generations should be examined. In particular, the desirability of the proposed actions shall be weighed to guard against short-sighted foreclosure of future options or needs. Special attention shall be given to effects which narrows the range of beneficial uses of the environment or pose long-term risks to health or safety. Who is paying the environmental costs versus who is gaining the benefits over a period of time shall be identified. In addition, the reasons the proposed action is believed to be justified now, rather than reserving a long-term option for other alternatives, including no use, shall be explained.

(g) Irreversible and irretrievable commitments of resources which would be involved in the proposed action, should it be implemented. This requires the agency to identify from its survey of unavoidable impacts, the extent to which the action irreversibly curtails the range of potential uses of the environment. Resources not only including labor and materials but natural and cultural resources which may be lost or destroyed by the proposed action. Uses of renewable and nonrenewable resources during the initial and continued phases of the action should be specified.

(h) Other interest and consideration of Federal, State, and local government policy thought to offset the adverse environmental effects of the proposed action. This involves a discussion of general and specific goals and the tradeoffs between such goals and environmental impacts. The statement should also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action that would avoid some or all of the adverse environmental effects.

#### § 19.12 Circulation and review of Environmental Impact Statements.

(a) *Timing.* (1) Ten copies of the draft Environmental Impact Statement shall be filed with the Council on En-



Environmental Quality and copies made available to appropriate agencies and to the public for a review period of forty-five (45) days subject to a possible extension of up to fifteen (15) days before filing of the final statement if no comments are received, or preparation of the final statement in light of the comments received. The draft must be on file at least ninety (90) days prior to the taking of any final administrative action with regard to the proposal. The ninety-day period begins upon the date when CEQ publishes the announcements in the FEDERAL REGISTER.

(2) The final Environmental Impact Statement shall be filed with the CEQ and made available to appropriate agencies and the public at least thirty (30) days prior to any final administrative action with regard to the proposal. The thirty-day period begins on the date of receipt of the final statement by CEQ. After thirty days, and upon consideration of comments on the final statement, the Administrator shall make a final decision on the proposed action. The thirty-day period and the ninety-day period may run concurrently to the extent that they overlap. Exceptions to the 30 or 90-day time limits are permitted only under unusual circumstances.

(i) Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, LEAA will consult with the Council about alternative arrangements.

(ii) Similarly, where there are overriding considerations which need to be considered in order to avoid impairing program effectiveness, LEAA will consult with the Council concerning appropriate modifications of the minimum periods.

(b) Review of draft Environmental Impact Statements by Federal, State and local agencies and by the public.

(1) The draft Environmental Impact Statement shall be circulated for comment to Federal and State agencies with jurisdiction by law or special expertise with respect to any environmental impact involved. These Federal and State agencies and their relevant areas of expertise include those identified in Appendices II and III. All Environmental Impact Statements will be transmitted to the Environmental Protection Agency.

(2) State and local review. Comments will be solicited from State and local agencies through the A-95 review process in accordance with the Office of Management and Budget Circular No. A-95 (revised). Environmental Impact Statements will be circulated to State and areawide clearinghouses.

(3) Public review. LEAA will encourage public participation in the draft Environmental Impact Statement process.

(i) Upon the issuance of a draft Environmental Impact Statement, a notice will be published in the local news-

paper indicating where statement can be acquired. Statements will be issued to private organizations and individuals requesting an opportunity to comment.

(ii) LEAA will announce in the FEDERAL REGISTER the availability of environmental statements.

(iii) Copies of the Environmental Impact Statement will be available in the reading rooms of the appropriate Regional Offices, State Planning Agency offices and in Central Offices in Washington. When a fee is charged it shall not be more than the actual cost of reproduction. If, however, demand is greater than anticipated and copies of statements are not available from the Agency's originating office, copies can be obtained from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151.

(c) Comments on Environmental Impact Statements.

(1) Agencies and members of the public submitting comments on proposed actions, on the basis of draft environmental statements, should endeavor to make their comments as specific, substantive and factual as possible without undue attention to matters of form in the impact statement. Emphasis should be placed on the assessment of the environmental impacts of the proposed action, and the acceptability of those impacts on the quality of the environment particularly, as contrasted with the impacts of reasonable alternatives to the action. Commenting entities may recommend modifications to the proposed action and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impacts. Agencies and members of the public should indicate in their comments the nature of any monitoring of the environmental effects of the proposed project that appears particularly appropriate.

(2) A time limit of forty-five (45) days for reply is established, after which time it may be presumed, unless the agency or party consulted requests a specified extension of time, that the agency or party consulted has no comment to make. When it has been determined by LEAA that additional time for comment is necessary, an extension of time up to fifteen (15) days will be granted. In determining an appropriate period for comment, consideration will be given to the magnitude and complexity of the statement and the extent of citizen interest in the proposed action.

#### § 19.13 Public hearings.

(a) Public hearings will not be part of the normal environmental review process. However, in appropriate cases informal public hearings may be held on draft Environmental Impact Statements. In deciding whether a public hearing is appropriate LEAA will consider:

(1) The magnitude of the proposal in terms of economic costs, the geographic area involved, and the uniqueness or size of commitment of the resources involved.

(2) The degree of interest in the proposal, as evidenced by requests from the public and from Federal, State and local authorities that a hearing be held.

(3) The complexity of the issue and the likelihood that information will be presented at the hearing which will be of assistance to LEAA in fulfilling its responsibilities under NEPA, and the extent to which public involvement already has been achieved through other means such as meetings with citizen representatives and/or written comments on the proposed action.

(b) When it is determined to hold a public hearing, it will be held at least fifteen (15) days after the issuance of the draft Environmental Impact Statement. The purpose of the hearing will be to enable LEAA to obtain all relevant data on the proposed action and to assure the community that its views are being considered. All comments on the draft Environmental Impact Statement will be in writing and submitted prior to the hearing. Comments will be specific, substantive and as factual as possible without undue attention to matters of form.

#### § 19.14 Preparation and circulation of final environmental statements.

(a) All substantive comments received on the draft (or summaries thereof where response has been exceptionally voluminous) should be attached to the final statement, whether or not each such comment is thought to merit individual discussion by the LEAA in the text of the statement. Where opposing professional views and responsible opinion have been overlooked in the draft statement and are brought to the attention of LEAA through the commenting process, consideration will be given, and a meaningful response made in the final statement.

(b) Copies of final statements with comments attached shall be sent to all Federal, State and local agencies, individuals, and private organizations who made substantive comments on the draft statement.

(c) Where the number of comments on a draft statement is such that distribution of the final statement to all commenting entities appears impracticable, LEAA shall consult with the Council concerning alternative arrangements for distribution of the statement.

(d) Five copies of all comments received from Federal, State and local agencies and the public, and ten copies of the final statement will be sent to the Council on Environmental Quality.

#### Subpart F—Final Determinations

#### § 19.15 Determination by the Administrator, LEAA.

*Environmental findings.* Thirty (30) days after filing the final statement with the Council on Environmental Quality the Administrator, LEAA or his designee will articulate the reasons for whatever action is to be taken with specific cross-references to the administrative record. This shall include all relevant factors, environmental, eco-

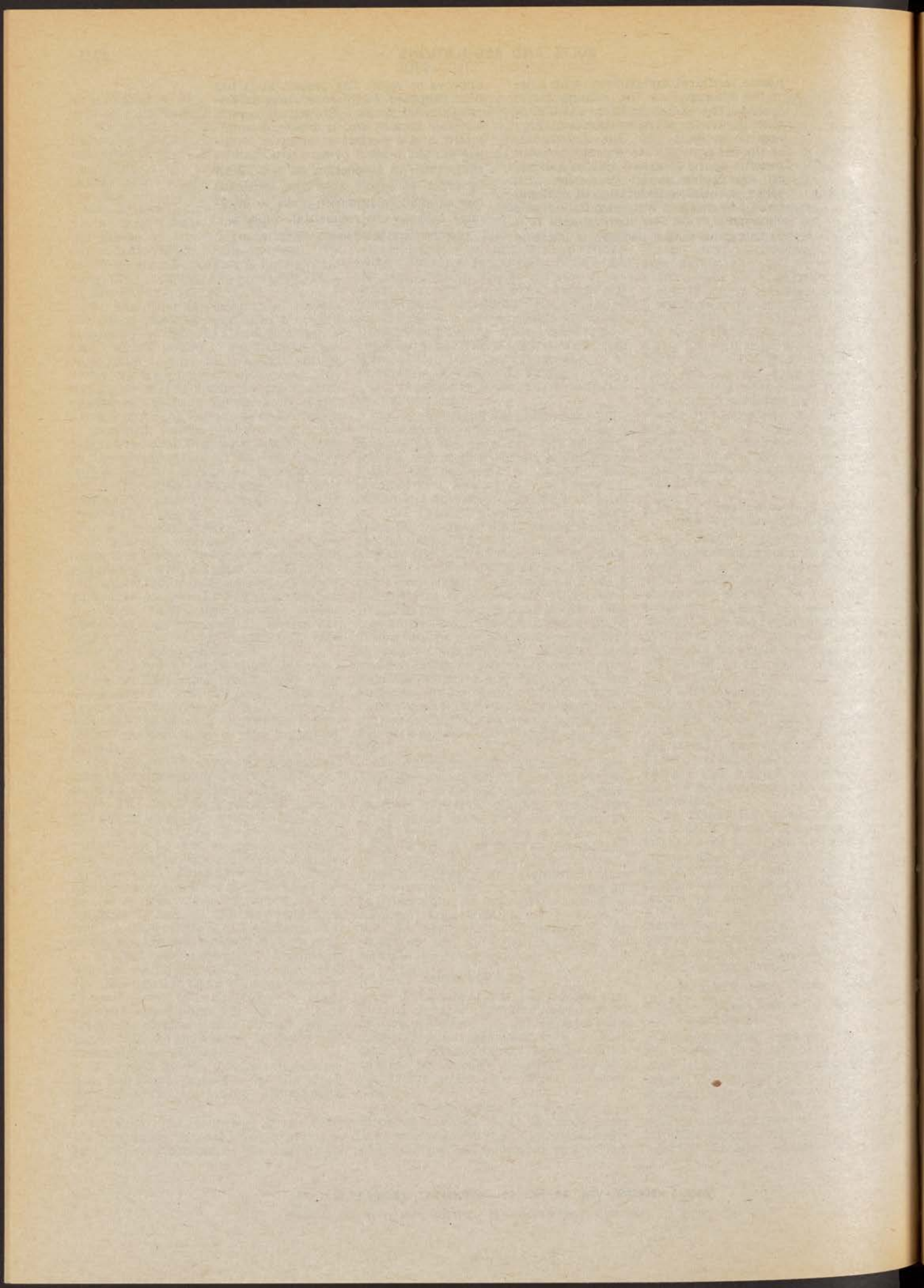


nomie, technical, and political, with a detailed reference to the administrative record. The Administrator shall consider the results of the environmental assessments along with the assessments of the net economic, technical and other benefits of the proposed actions and use all practicable means consistent with other essential consideration of national policy, to avoid or minimize undesirable consequences for the environment. It is at this time that a decision is made to

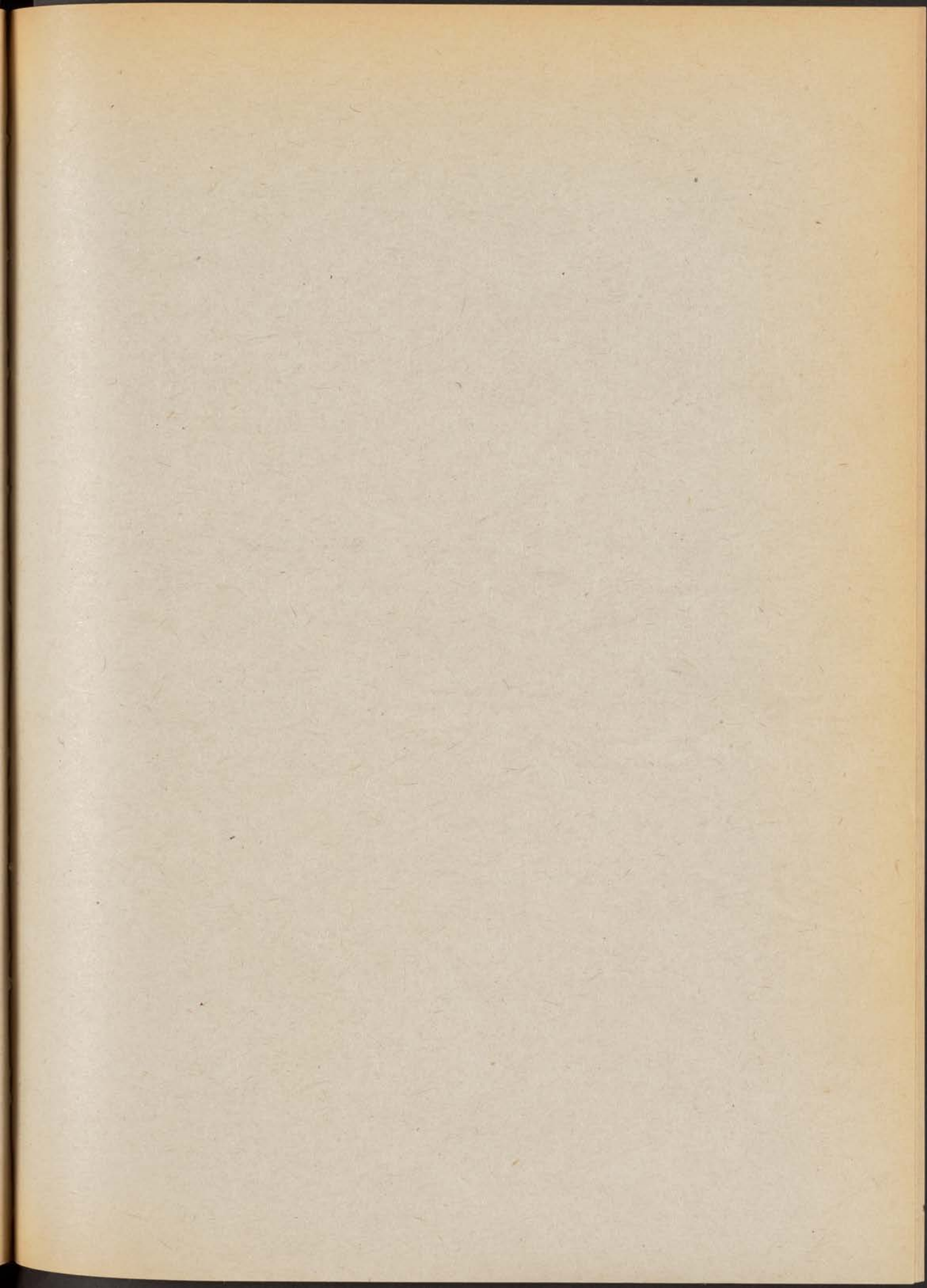
approve or reject the project as it has been proposed. In the case where an Environmental Impact Statement reveals adverse impact which must be minimized, and a project or program is approved, the project or program shall be subject to an inspection by the LEAA in order to insure that the applicant has adhered to proposed steps to minimize adverse environmental impacts.

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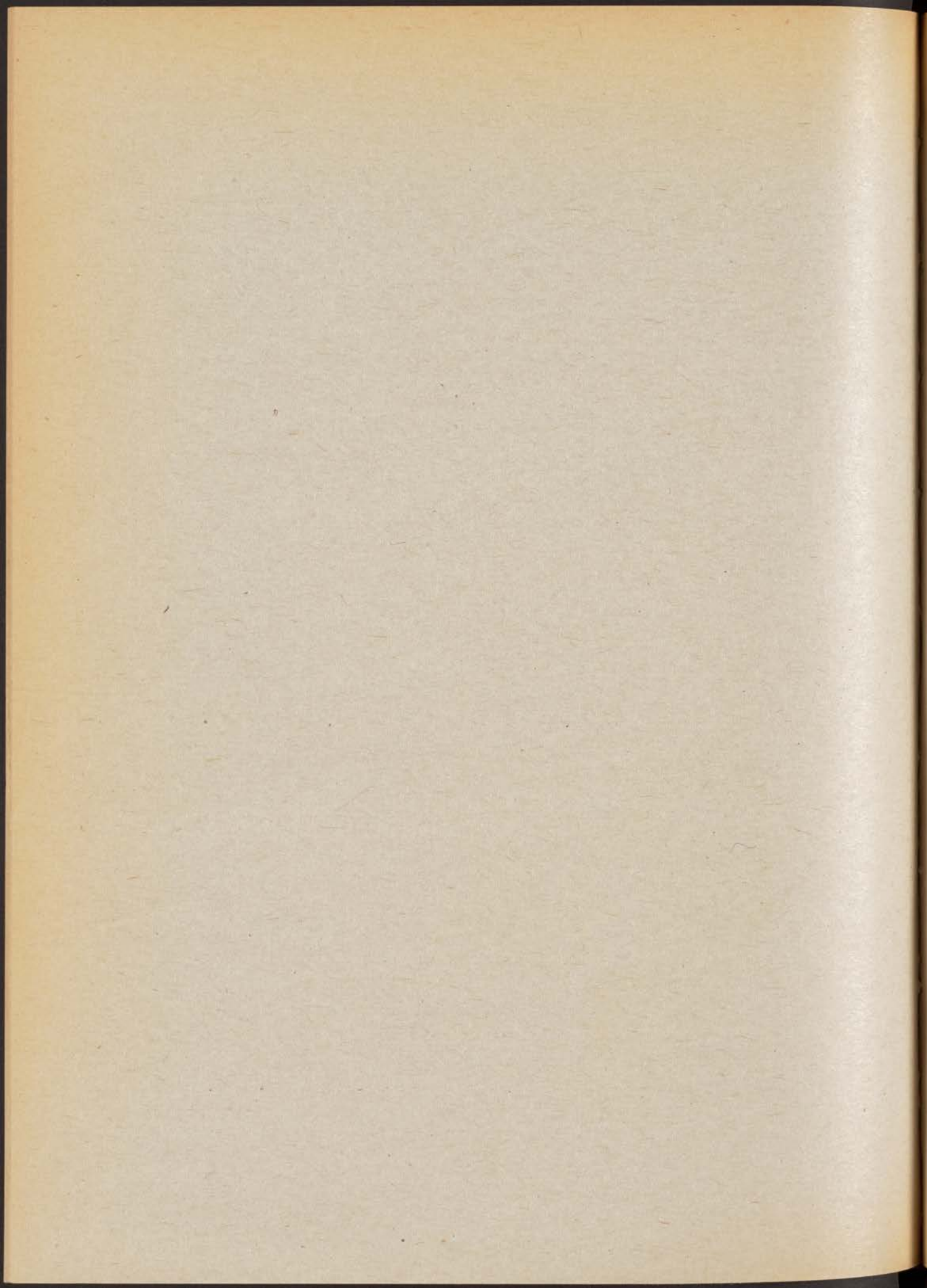














# REPORT OF THE

COMMISSIONERS OF THE  
LAND OFFICE  
FOR THE YEAR 1887

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